



MAYOR AND COUNCIL AGENDA

NO. 14

DEPT.: Community Planning and Development Services
STAFF CONTACT: Jim Wasilak

DATE PREPARED: 8/29/05
FOR MEETING OF: 9/12/05

SUBJECT: Introduction of Ordinance for Map Amendment application MAP2004-00091: Sectional Map Amendment to Amend the Zoning Map per Recommendations in the Town Center Master Plan; Mayor and Council of Rockville, applicants.

RECOMMENDATION: Staff recommends that the Mayor and Council introduce the ordinance to adopt the Map Amendment.

DISCUSSION: This application is a Sectional Map Amendment that is intended to rezone portions of the Town Center Planning Area based on the recommendations in the Town Center Master Plan. The Map Amendment would accomplish the following:

- renaming the Town Center zones from TCO-1, TCO-2, TCM-1 and TCM-2 to TC-1, TC-2, TC-3 and TC-4 respectively;
- rezoning 10.42 acres, generally along the west side of North Washington Street and Hungerford Drive between Martins Lane and Ivy League Lane, from the C-2 to TC-1 Zone. This would reduce the maximum FAR from 2.0 to 1.0, and the maximum height limit from 75 feet to 45 feet, while allowing residential uses where not currently permitted;
- rezoning the west side of the Rockville Metro station from the TCO-2 Zone to the TC-4 Zone. This will increase the maximum height limit on the property from 75 feet to 100 feet, and increase the maximum FAR from 2.0 to 4.0. The east side of the station would not be rezoned at this time.
- rezoning portions of the Jerusalem Mt. Pleasant Church property on Wood Lane from the R-60 and TCO-1 zones to the O-2 Zone in order to remove the condition that church property is within three zones.
- rezoning the property known as the Anderson House, at 39 West Montgomery Avenue, from the O-2 to the C-T (Commercial Transition) zone;
- rezoning of the Christ Episcopal Church rectory property at 107 South Washington Street from the C-T zone to the R-90 Zone;
- rezoning the property containing the City Centre shopping center from the TCO-2 to the C-2 Zone; and
- rezoning a small portion of the property owned by Montgomery Housing Partnership and containing the Beall's Grant Apartments from the R-20 Zone to the TC-1 Zone, consistent with the rest of the property.

The Mayor and Council held a public hearing on this application on January 10, 2005, and heard from a total of twelve speakers. Eight speakers spoke in opposition to the rezoning of the Fleet Street properties. Nearby residents are concerned about the loss of green space, the continuation of the buffer between the property and the Courthouse Walk community, the potential for multifamily development on the site, among other issues (see attached summary). Other speakers represented the Beall's Grant Apartments and the 1 and 21 Church Street properties.

The Mayor and Council held a Discussion and Instructions to Staff session on March 21, 2005. At that meeting, the Mayor and Council decided to not rezone the Fleet Street properties, leaving them in the R-90 Zone. The property could then be developed as single-family homes or permitted institutional uses, or as townhouses utilizing the RTH special development procedure. The Mayor and Council also discussed the zoning for 39 West Montgomery Avenue, the Anderson House property. Although the applicant had suggested that a split zone of C-T and O-2 would be appropriate, the Mayor and Council determined to rezone the entire property to the C-T Zone.

The Mayor and Council received correspondence concerning the Beall's Grant Apartments property on North Washington Street, which is split-zoned but primarily TCO-1 with a strip of R-20 along the rear property line. There does not appear to be a compelling reason to retain this configuration, and including the single lot into one zone would aid any future redevelopment.

The Mayor and Council received a letter from representatives of the 1 Church Street and 21 Church Street properties (See Attachment 1), advocating that the 1 Church Street property should be allowed to be rebuilt to its current density if the properties are not rezoned to either TC-3 or TC-4 from the current TCO-2. The FAR of 1 Church Street is 3.0, while the maximum FAR of the current and recommended zone is 2.0, rendering the building a development nonconformity with respect to FAR. The Mayor and Council have provided direction that the FAR of 3.0 be grandfathered for 1 Church Street, as is the height of 110 feet already. This is being accomplished through the Text Amendment rather than rezoning the properties to either TC-3 or TC-4, which would permit additional density that is not be appropriate in this location.

Change in Law or Policy: Adopting the Map Amendment will implement the recommendations contained in the Town Center Master Plan and subsequent discussions by the Mayor and Council.

Boards and Commissions Review: The Planning Commission reviewed this application on November 3, 2004 and recommended approval of the application as submitted. The Commission's recommendation is included as Attachment 2.

Next Steps: Adopt the ordinance for approval of the Map Amendment application.

PREPARED BY:

R. James Wasilak
Jim Wasilak, AICP, Chief of Planning

DATE: 9.6.05

APPROVED BY: Arthur D. Chambers
Arthur D. Chambers, AICP, Director

DATE: 9/6/05

APPROVED BY: Scott Ullery
Scott Ullery, City Manager

DATE: 9/7/05

LIST OF ATTACHMENTS:

1. Summary of Testimony and Written Public Comment
2. Planning Commission Recommendation
3. Staff Report
4. Additional Correspondence
5. Proposed Zoning Map
6. Ordinance

Mayor and Council Public Hearing Summary
January 10, 2005

Issue	Person	Response
Fleet Street Properties		
Concerned about potential for higher density than townhouses (multifamily) on property	Judy Mistretta Rob Bowell Bob Brinkman John Mistretta Mary Abert William Abert	Staff recommends limit to townhouse development on property in R-30 Zone
Opposed to zoning change to R-30; keep R-90	Judy Mistretta Rob Bowell Jonathan Locke Bob Brinkman Ray Whalen Bridget Newton, WECA John Mistretta Mary Abert William Abert	Staff recommends limit to townhouse development on property in R-30 Zone, which could be built using the RTH procedure in the R-90 Zone.
Supports continuation of green space and buffer on property	Judy Mistretta Rob Bowell Jonathan Locke	Should be considered as part of development proposal for property
Should be developed for single family homes	Rob Bowell	Master Plan does not support
Concern about loss of trees and wildlife on property if developed	Jonathan Locke	Property subject to City's FTPO requirements
Concerned about HOC concept plan	Ray Whalen	Montgomery County has issued an RFP to help develop property, so new concept plan will be developed
Existing former residences should be preserved or designated historic	Rob Bowell Laurent Myers Mary Abert William Abert	Existing homes will be evaluated for significance

Issue	Person	Response
Church Street Properties		
Oppose TC-2 designation; 1 and 21 Church Street should be considered for TC-3 or TC-4	Joe Lynott III	Staff does not support, due to concerns about development impacts
Text amendment should incorporate grandfather language for 3.0 FAR for 1 Church Street	Joe Lynott III	Staff supports change in text amendment
Bealls Grant Apartments Property		
Property is currently split-zoned R-20 and TCO-1; should be combined in to TC-1 Zone	Bill Chen, representing Montgomery Housing Partnership, owners	Staff supports
Potential for optional method of development for provision of additional affordable housing	Bill Chen	Should be considered along with optional method discussion
Jerusalem Methodist Episcopal Church properties		
Support recommended zoning and text changes to O-2 and allow church to assemble property	Rev. Jane Wood Bridget Newton, WECA	Staff supports
39 West Montgomery Avenue property		
Oppose entire property to be rezoned to C-T; could support existing house in C-T and remainder of property in O-2 Zone	Patrick Attridge	Staff supports
100 South Adams Street		
Rezone property from R-90 to O-2 Zone	George Son-Hwa Chang	Citywide Master Plan discussion determined that this rezoning would be considered at time of new West End Plan; staff does not support rezoning at this time
107 South Washington Street		
Rezone Christ Episcopal Parish House from C-T to R-90	Jody Kline, representing the Vestry of Prince George's Parish	Staff supports

LYNOTT, LYNOTT & PARSONS, P. A.

ATTORNEYS AT LAW

11 NORTH WASHINGTON STREET

SUITE 220

ROCKVILLE, MARYLAND 20850-4208

JOSEPH A. LYNOTT
JOSEPH A. LYNOTT, III
JAMES L. PARSONS, JR.

Routed To:

☒ Council
☒ City Clerk
☒ City Manager

☒ City Attorney
☒ Council Support Specialist

(301) 424-5100 (phone)
(301) 279-0346 (fax)
writer's e-mail:
jlynott@LLPlawfirm.com

Exhibit # December 3, 2004

Subject: MAP91

Public Hearing Date: 1/10/05

Hon. Larry Giammo and
Members of the City Council
The City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

**RE: Zoning Text Amendment and Modifications to Sectional Map Amendment
for Town Center pertaining to commercial properties on Church Street**

Dear Mayor Giammo and Members of the City Council:

This office represents One Church Street, LLC and Church Street, LLC in connection with their properties located on the south side of Church Street adjacent to the Rockville Metro Station.

The property at One Church Street is improved by a 94,096 square foot, nine-story office building at the intersection of Church Street and Rockville Pike (See Exhibit 1). The property at 21 Church Street has received use permit approval for a 93,450 square foot, six-story office building facing the entrance to the Rockville Metro Station (See Exhibit 2).

The Town Center Master plan and the proposed Sectional Map Amendment recommends that these two properties be placed in the new TC-2 zone. We respectfully request that the map amendment be modified to place each of these two properties in the TC-4 or TC-3 zones. Such a zoning designation is more appropriate than the TC-2 zone classification because of: (i) the properties' immediate proximity to the Rockville Metro Station; (ii) the higher zoning densities allotted to neighboring properties; and (iii) the current improvements and approved use permits for the two properties.

- The Town Center Master Plan recently confirmed the common sense planning principle that higher development densities should be concentrated in the areas best served by mass transit facilities. This principle was followed with the zoning recommendations in the Master Plan and the proposed Sectional Map Amendment when they confirmed the 4.0 FAR allocations of the new TC-4 zone for those properties closest to Metro located across MD Route 355. Proximity to mass transit was also the reason both the Master Plan and the Sectional Map Amendment

Hon. Larry Giammo and
Members of the City Council
December 3, 2004
Page 2

recommended changing the zoning and increasing the density allocations for the Metro site itself (from TCO-2 to TC-4) and for the Metro parking lots located on the other side of the train tracks (from I-1 to TC-3).

Except for the Metro Station itself, each of our client's properties stand in closer proximity to the Metro than any of the TC-4 properties in the Town Center. Indeed, even a cursory review of the proposed zoning map reveals an anomalous and unjustified situation whereby our clients' TC-2 parcels are surrounded with more densely zoned land on three sides, notwithstanding its immediate proximity to the Metro, MD Route 355 and the Town Center.

- For the same reasons noted above, both Church Street properties should at least be included among those parcels designated as TC-3. This designation would be consistent with the proposed upzoning of the Metro parking lot sites immediately to the east and north of our sites from I-1 to TC-3. It is noteworthy that the City has recommended placing these properties in the TC-3 zone notwithstanding: (i) that these parcels are located on the other side of the railroad tracks from all the other TC-3 and TC-4 parcels in the Town Center; and (ii) the proximity of the Metro parking lots to the homes of the East Rockville neighborhood. It is also noteworthy that in recommending the TC-3 designation for the Metro parking lots (thereby increasing their FAR from 0.75 to 3.0), the City recommended the institution of a "Residential Proximity Slope" due to these parking lots' proximity to East Rockville residences. Because our clients' properties are located on the west side of the railroad tracks, however, this concern about proximity to East Rockville's neighborhood does not exist. Indeed, our clients' properties are only surrounded by other TC-4 and TC-3 properties on three sides and a railroad track and institutional uses on its remaining side.

Moreover, when the nine-story office building located at One Church Street was constructed back in the late 1980's, the FAR allocated to this property was 3.0. By designating this property as TC-3, the City would logically be restoring the same density allocation to this property under which it was appropriately zoned at the time of its development.

- Lastly, if these properties were not placed in the new TC-3 or the TC-4 zones, the relatively new office building at One Church Street would be rendered a development non-conformity – meaning that it could not be rebuilt to its current density in the event it was substantially damaged by fire or other casualty. Such status would obviously have a substantially adverse impact on the property from an operational standpoint and from the standpoint of obtaining financing. This inequitable situation not only creates an unjustified hardship, it is a hardship that is rendered moot if the land was appropriately designated as TC-3 or TC-4.

LYNOTT, LYNOTT & PARSONS, P. A.

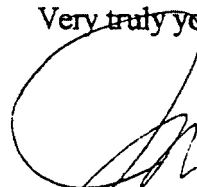
Hon. Larry Giammo and
Members of the City Council
December 3, 2004
Page 3

It should be noted that page 89 of the Town Center Master Plan includes a recommendation that would grandfather in the 110' height limitation for buildings in the TC-2 zone built prior to July 1, 2001. Unfortunately this language is not sufficient to solve the development non-conformity status of the building at One Church Street because the existing building would still significantly exceed the 2.0 FAR allocation of the TC-2 zone. To prevent such an undue hardship and in the event that the properties are not placed in the TC-3 or the TC-4 zones, at the very least, the zoning ordinance must include an affirmative notation that existing buildings in the TC-2 zone should be allowed to be rebuilt to their current density in the event of fire or other casualty. This provision is consistent with other sections of the zoning ordinance pertaining to development non-conformities. (See e.g., Section 25-324 pertaining to the RPC zone). Specifically, the property owners request that in the event the properties are not placed in the TC-3 or TC-4 zones, that the ordinance include an affirmative notation as follows:

Any development which lawfully existed prior to the rezoning of the land on which it is located to the TC-2 zone, shall be regarded as a development non-conformity, but if damaged, can be rebuilt, repaired and/or reconstructed only to the extent of the original development existing on the date of damage.

Thank you for this opportunity to comment on the proposed Sectional Map Amendment.

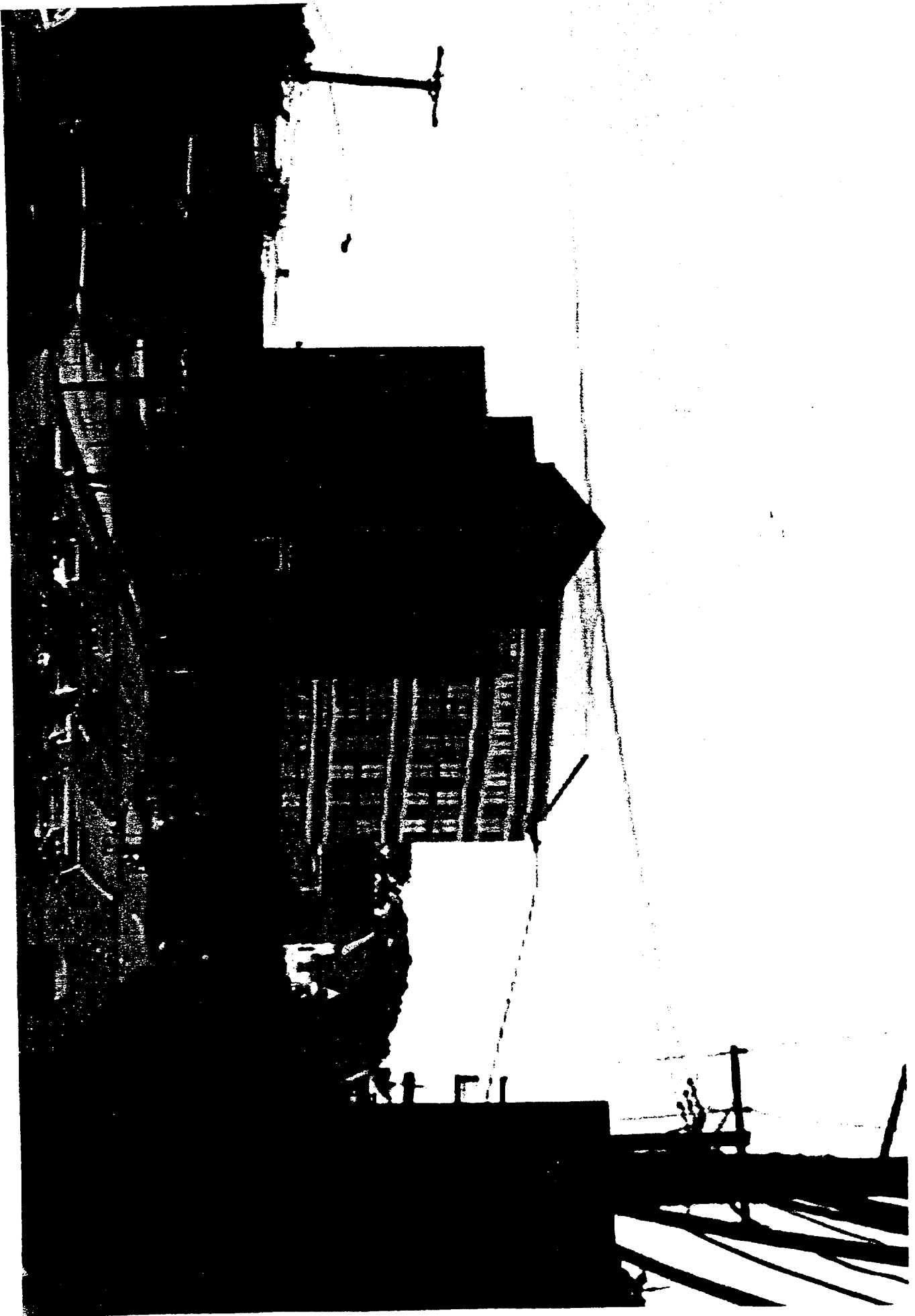
Very truly yours,

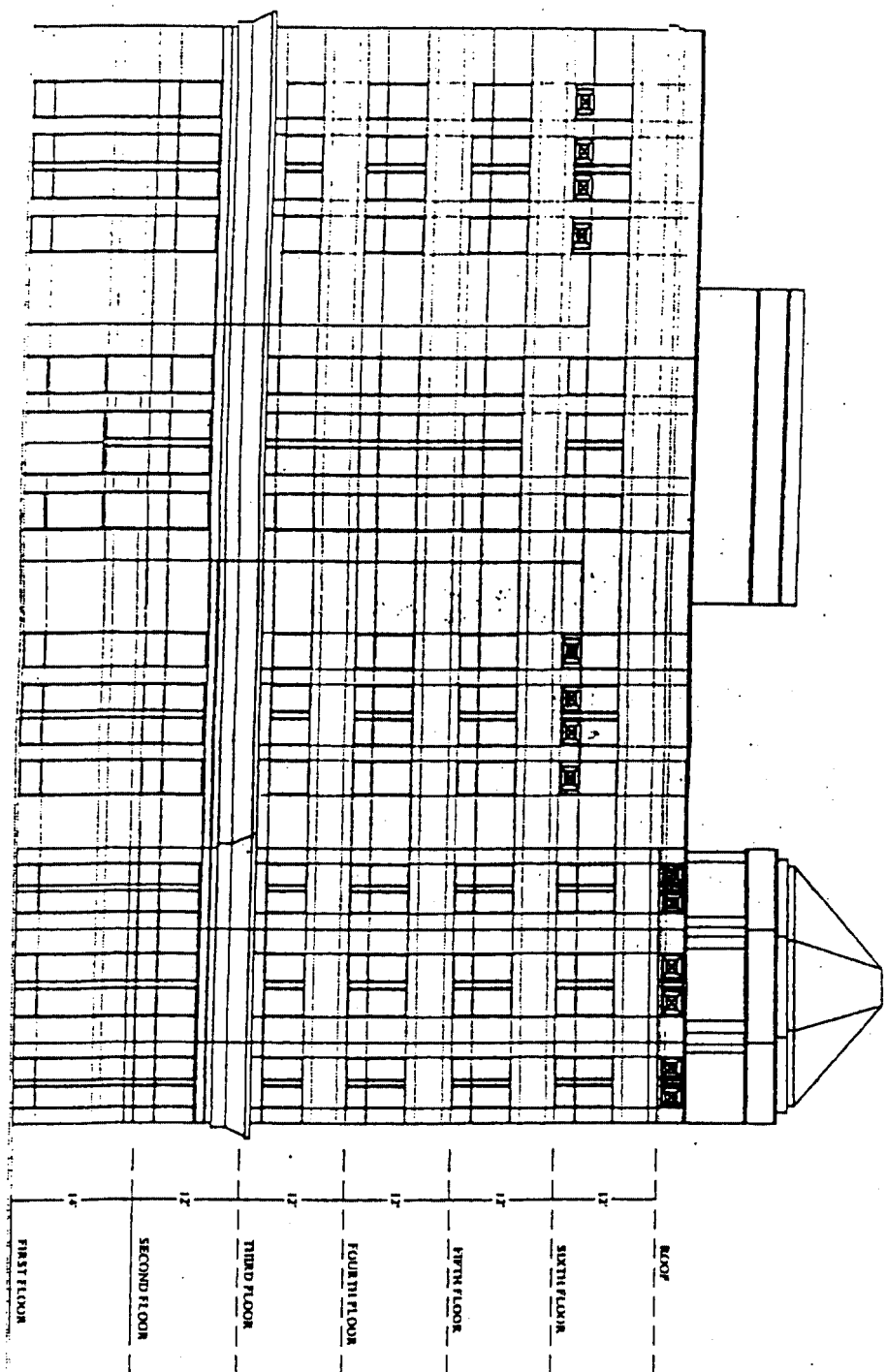


Joseph A. Lynott, III

JAL,III/la

- Exhibit 1 – Photo of One Church Street
- Exhibit 2 – Proposed Elevation of 21 Church Street
- Exhibit 3 – Town Center Master Plan Zoning Map Recommendation
- Exhibit 4 – Proposed Sectional Map Amendment

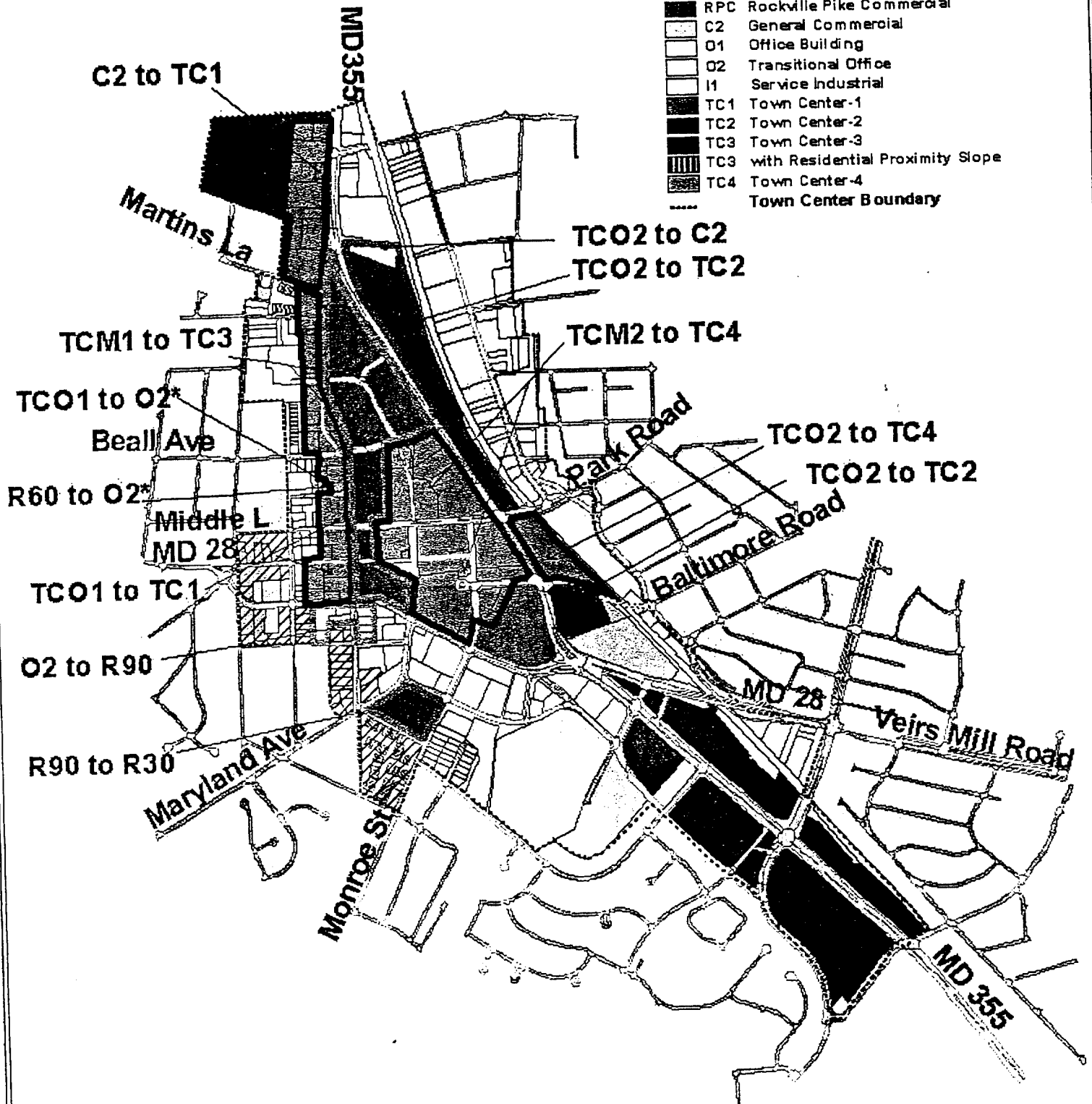




NORTH ELEVATION (TO METRO STATION)
1/16"=1'-0"

Proposed Zoning

RS	Suburban Residential
R20	Multiple Family, Residential
R30	Multiple Family, Low Density Residential
R60	One-Family Detached, Residential
R90	One-Family Detached, Residential
RH	High Rise Apartments, Residential
RPC	Rockville Pike Commercial
C2	General Commercial
O1	Office Building
O2	Transitional Office
I1	Service Industrial
TC1	Town Center-1
TC2	Town Center-2
TC3	Town Center-3
TC3	with Residential Proximity Slope
TC4	Town Center-4
-----	Town Center Boundary

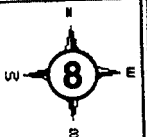


Note:
This map does not reflect zoning changes to C-1 made as part of the Citywide Master Plan, Map Amendment 1, 8/1/03.
* Jerusalem Church property



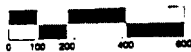
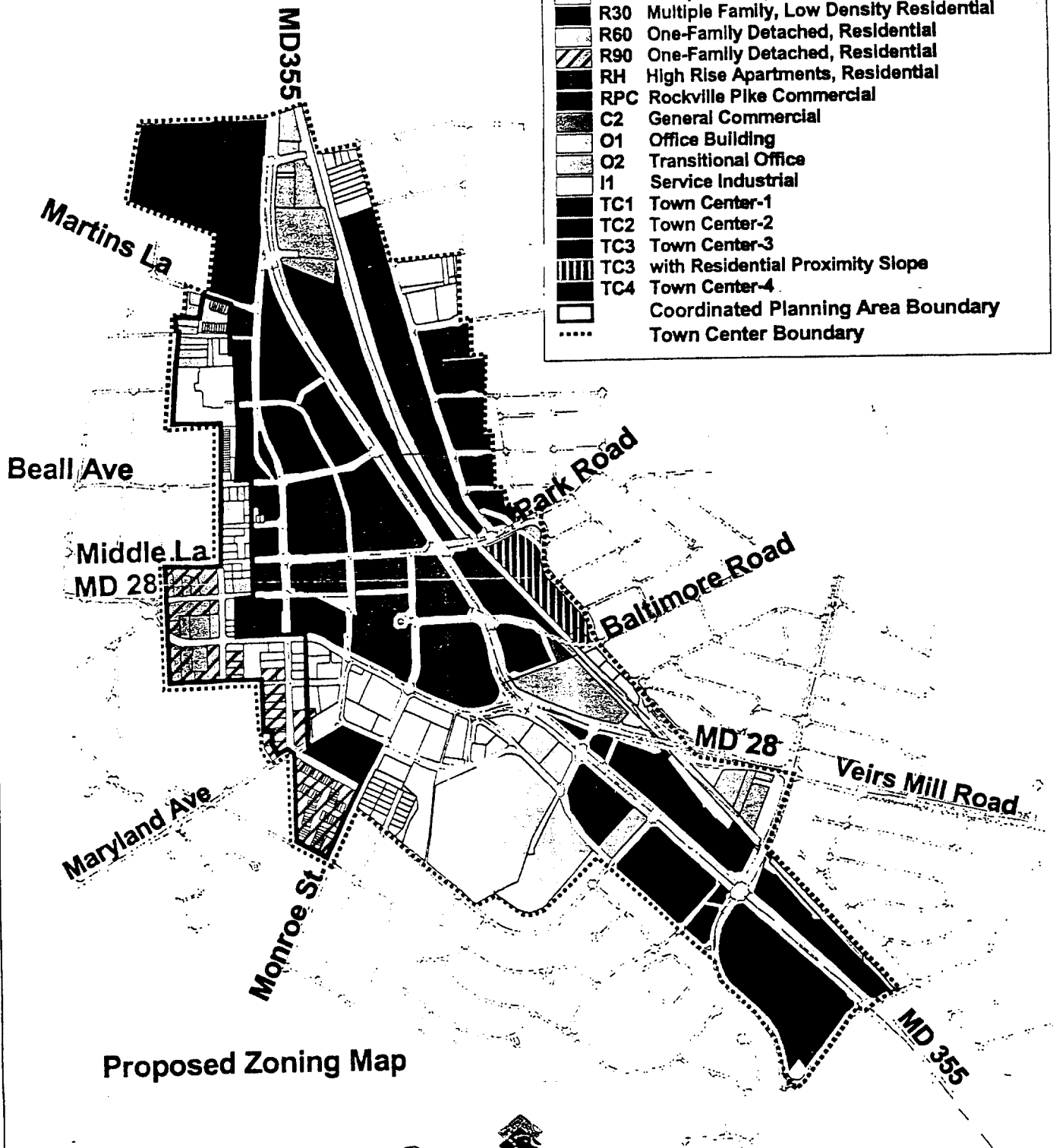
CITY OF ROCKVILLE
DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT SERVICES

Town Center Proposed Zoning Map



Proposed Zoning

	RS Suburban Residential
	R20 Multiple Family, Residential
	R30 Multiple Family, Low Density Residential
	R60 One-Family Detached, Residential
	R90 One-Family Detached, Residential
	RH High Rise Apartments, Residential
	RPC Rockville Pike Commercial
	C2 General Commercial
	O1 Office Building
	O2 Transitional Office
	I1 Service Industrial
	TC1 Town Center-1
	TC2 Town Center-2
	TC3 Town Center-3
	TC3 with Residential Proximity Slope
	TC4 Town Center-4
	Coordinated Planning Area Boundary
	Town Center Boundary



DESIGN CONCEPTS, INC.

HNTB

Rockville Town Center Proposed Zoning Map

Exhibit # 2

Subject: MAP91 (MAP2004-00091)

Public Hearing Date: 1/10/05

100 S. Adams Street
Rockville, MD 20850
December 1, 2004

Mayor and Council
City of Rockville
111 Maryland Avenue
Rockville, MD 20850

Routed To:
☒ Council
☐ City Clerk
☒ City Manager

☒ City Attorney
☐ Council Support Specialist
☒ Other Jim Wislak

Bob Spalding
Sullivan
CTP

Dear Mayor and Council Members,

As a long time citizen of Rockville and owner of the property at 100 S. Adams Street, I am writing to request that this property may be consider to include in Map Amendment for rezoning this property from R-90 to O-2 Zone.

This House has not been used appropriately as residential home. Because of traffic noise and shake when heavy truck pass by.

The change to office use would not change the physical appearance of the house and parking lot. But it would help to make this property in good use.

I appreciate your assistant on my request. If need additional information or questions, please contact me at 301-294-1393.

Sincerely, yours,

George S.H. Chang
(George) Son-Hwa Chang

Subject: MAP 2004-00091

Public Hearing Date: 1/16/05

LAW OFFICES

MILLER, MILLER & CANBY

CHARTERED

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850

(301) 762-5212
FAX (301) 762-6044

Routed To:

☒ Council

☐ City Clerk

☒ City Manager

☒ City Attorney

☐ Council Support Specialist

☒ Other J. Wasilak

B Spalding

JAMES R. MILLER, JR.*
PATRICK C. MCKEEVER
JAMES L. THOMPSON
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
MAURY S. EPNER
JOSEPH P. SUNTUM
SUSAN W. CARTER
ROBERT E. GOUGH
DONNA E. McBRIDE
MICHAEL G. CAMPBELL
SOO LEE-CHO
W. CHRISTOPHER ANDREWS
*Of Counsel

December 16, 2004

Mayor and City Council of Rockville
Rockville City Hall
111 Maryland Avenue
Rockville, MD 20850

RE: Zoning Map Amendment Application MAP 2004-00091
107 South Washington Street
(Christ Episcopal Church Rectory)

Dear Mayor Giammo and Members of the City Council:

On behalf of our client, the Vestry of Prince George's Parish, the title owner of the property more commonly known as the Christ Episcopal Church rectory located at 107 South Washington Street, we request that the City Council rezone this property from the C-T to the R-90 classification as proposed in Zoning Map Amendment Application MAP 2004-00091. Such Council action will:

1. Place the rectory property in the same zoning classification (R-90) as the adjacent Christ Episcopal Church land.
2. When the Church and rectory properties are replatted (as part of implementation of a recent special exception for a private educational institution granted to Christ Episcopal), create a lot with no distinction in zoning between the rectory and church.
3. Eliminate any restrictions in operation of Christ Episcopal School (due to the fact that a small portion of the existing church building in which the School operates extends into the current C-T zoned area, a zone which does not allow private educational institutions by special exception).

Thank you for your interest and attention to this request.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "Jody Kline". The "J" is large and stylized, with a horizontal line extending from its top. The "ody" is written in a cursive-like script, and "Kline" is in a more formal, slightly slanted font.

Jody S. Kline

JSK/dlt

cc: Jim Wasilak
Bob Spalding
Cas Chasten
John Marshall, Esquire
Jane Pontius
David Weber
Soo Lee-Cho, Esquire

2005 JUN 1 AM 9:13

☒ Council

City Clerk

City Manager

☒ City Attorney

1) Council Support Specialist

Other Jim W Bob S

MHP Town Center Inc] City Clerk
11160 Veirs Mill Road] ~~City Manager~~
Westfield South, Suite 503
Wheaton, Maryland 20902-2538

Exhibit # 4

January 6, 2005

Mayor and Council of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Subject: MAP04-00091

Public Hearing Date: 1/10/05

Re: Split Zoning of Lot at 254 North Washington Street
Beall's Grant Apartments
Lot 4, Block A, "City Center"
Map Amendment MAP 2004-00091
Public Hearing Date: Jan 10, 2005

Dear Mayor Giammo and Council Members,

This letter is submitted to request on behalf of MHP Town Center, Inc., to request that the portion of the above-referenced property which is classified in the R-20 Zone be reclassified to the TC-1 Zone (to be the "TC-1" zone pursuant to the Text Amendment Application TXT 2004-00215) as part of your consideration of Map Amendment Application MAP2004-00091. MHP Town Center, Inc., is a subsidiary of Montgomery Housing Partnership, Inc., and was established to own and operate Beall's Grant Apartments. It has owned and operated Beall's Grant Apartments since 1993 when it purchased it from the Resolution Trust Company and redeveloped the property with assistance from the City into affordable housing to serve the Rockville community. Indeed, by Resolution No. 01-93, adopted by the Mayor and Council at its meeting of January 11, 1993, the City endorsed the proposal of MHP Town Center, Inc., for development of mixed income housing on the property with financing from the Department of Housing and Community Development of the State of Maryland.

The single lot that defines the Beall's Grant property is divided into two zoning categories. The eastern two-thirds of the lot is zoned TCO-1 and falls inside the Town Center Performance District. The western one-third of the lot is zoned R-20 and falls outside the Town Center Performance District. This R-20 zoning on the Beall's Grant site is a long, narrow rectangle that descends from the large block of R-20 zoning that contains the Heritage Apartments adjacent to the northwest corner of the Beall's Grant property. On the Beall's Grant lot, most of the western side of this narrow rectangle of R-20 zoning abuts property zoned O-2 on North Adams Street, as can be seen on the attached zoning map.

Initially we met with James Wasilak, Chief of Long Range Planning, to discuss the issue. He stated that in general the City of Rockville views split zoning of a single lot to be undesirable. Upon initial review of the situation, he could see no reason for the split zoning and encouraged us to present a request to the Mayor and City Council to consider a single zoning classification for the property as part of the Sectional Map Amendment process.

After an additional meeting with Robert Spalding, James Wasilak and Edward Duffy, of the Community Planning Department, we request that the entire lot be placed within the Town Center Performance District and be zoned TC-1. This would provide uniformity to the Town Center plan and provide a continuous swath of TC-1 zoning along North Washington Street from Beall Avenue north to Martin's Lane. And, the TC-1 zoning would provide for more comprehensive development of the site. Attached are an aerial photograph of the area, a plat of property bounds and a zoning map that shows the split zoning of the site. Please let us know if we can supply any additional information on this issue.

In addition, we would like to point out that development of affordable housing involves some unique development characteristics. One of those characteristics is the fact that affordable housing does not require the same magnitude of off-street parking spaces as are found with other housing, particularly multi-family dwellings. Also, off-street parking requires substantial land area and/or expensive structured parking. As a result, at the appropriate time, we encourage the city to consider a text amendment to the City's parking standards to address this unique situation. Similarly, utilization of the optional method of development could enhance the opportunity for the provision of affordable housing. We understand that the City may review its Code provisions for the optional method of development in the near future and a text amendment to address this matter should be considered.

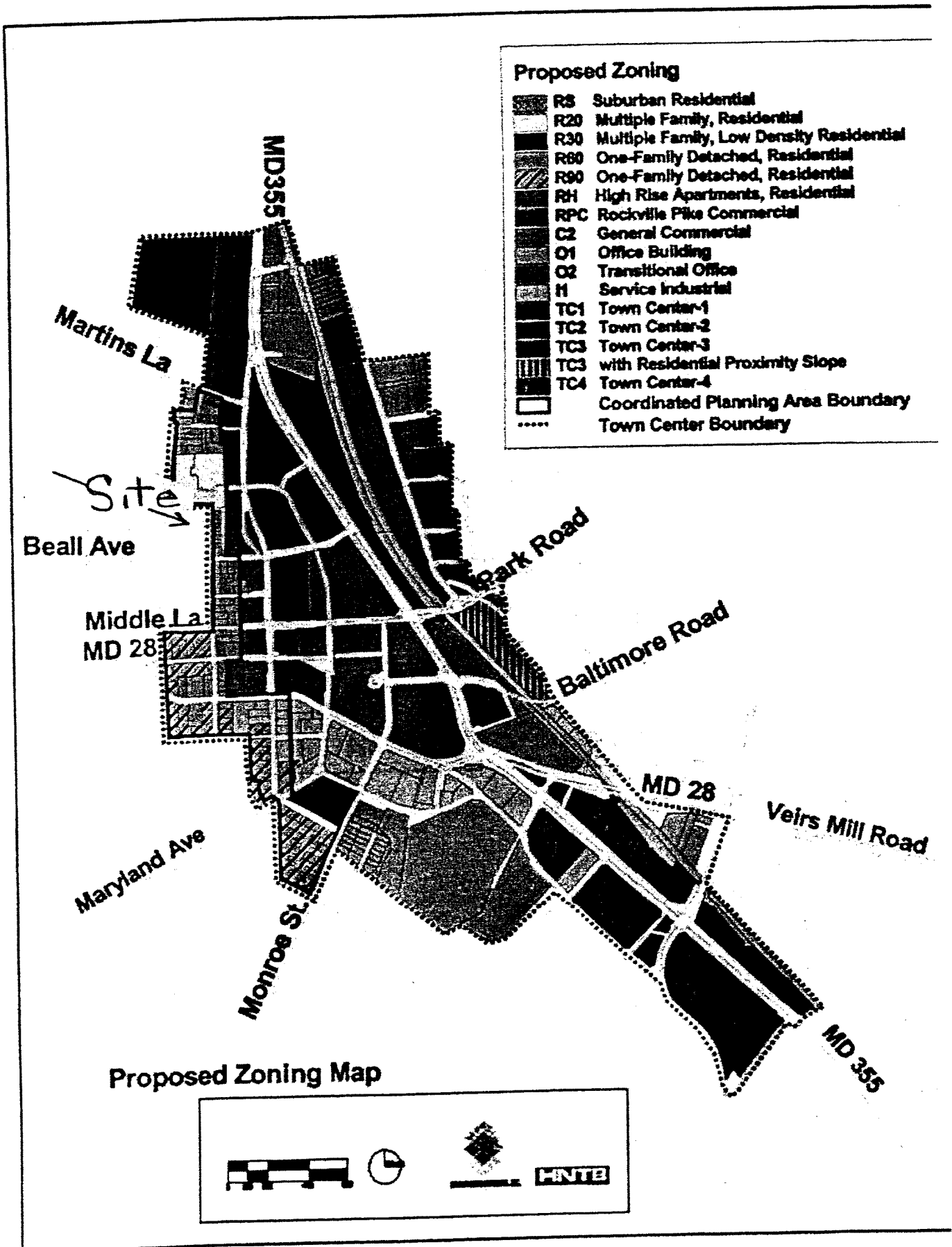
We look forward to working closely with the City of Rockville to develop and maintain quality affordable housing for the overall community.

Sincerely,



Robert Goldman
Vice President

cc. James Wasilak
Edward Duffy
Robert Spalding



TCO-2

HUNGERFORD DR

R-60 RTH-6

TCO-1

Boundary - Town Center
Performance District →

WASHINGTON ST

DAWSON AVE

R-20

TGM-1

-60

DAWSON AVE

Site

IVAN BUREN ST

OPTION ST

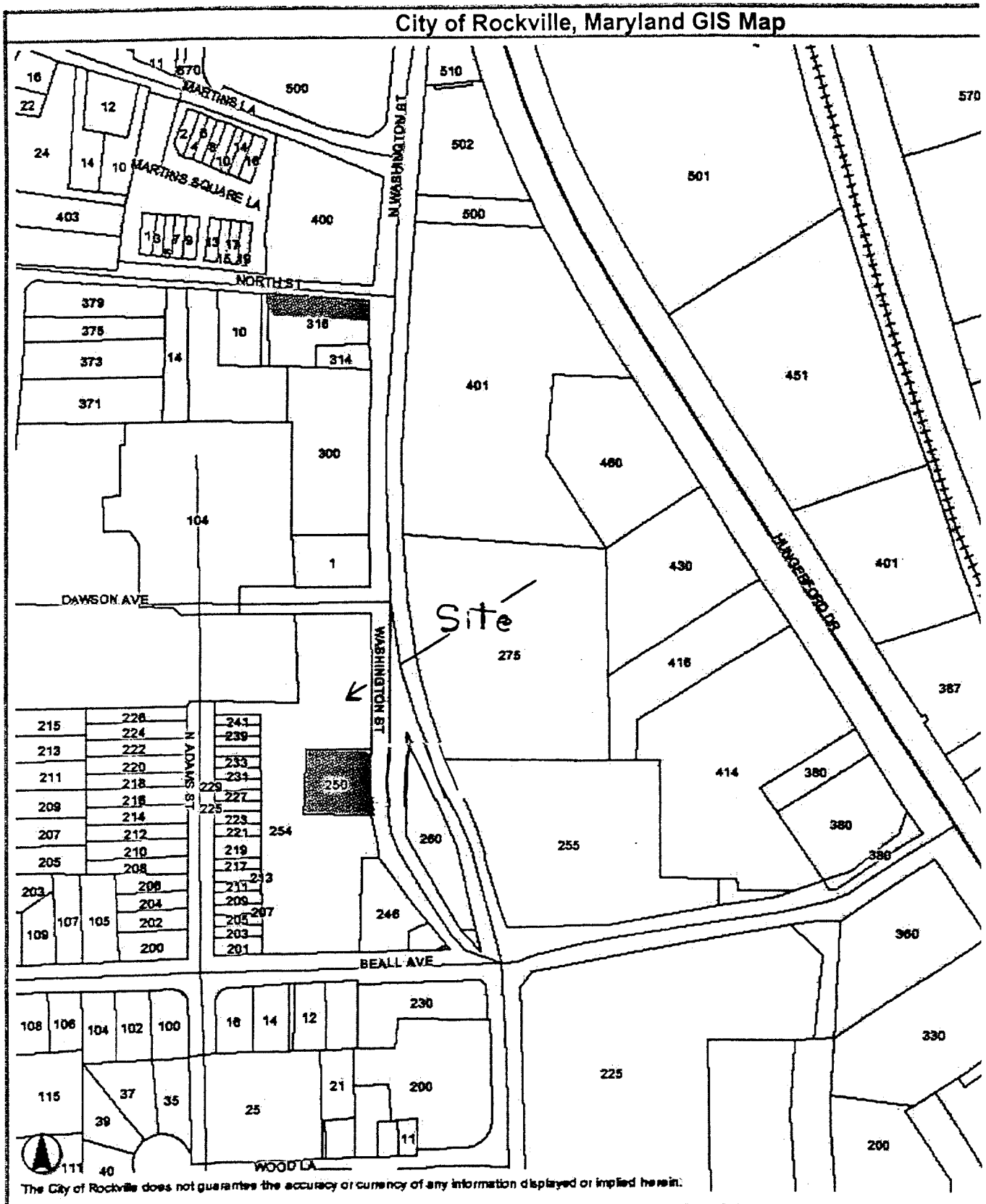
IVAN BUREN ST

BEALL AVE

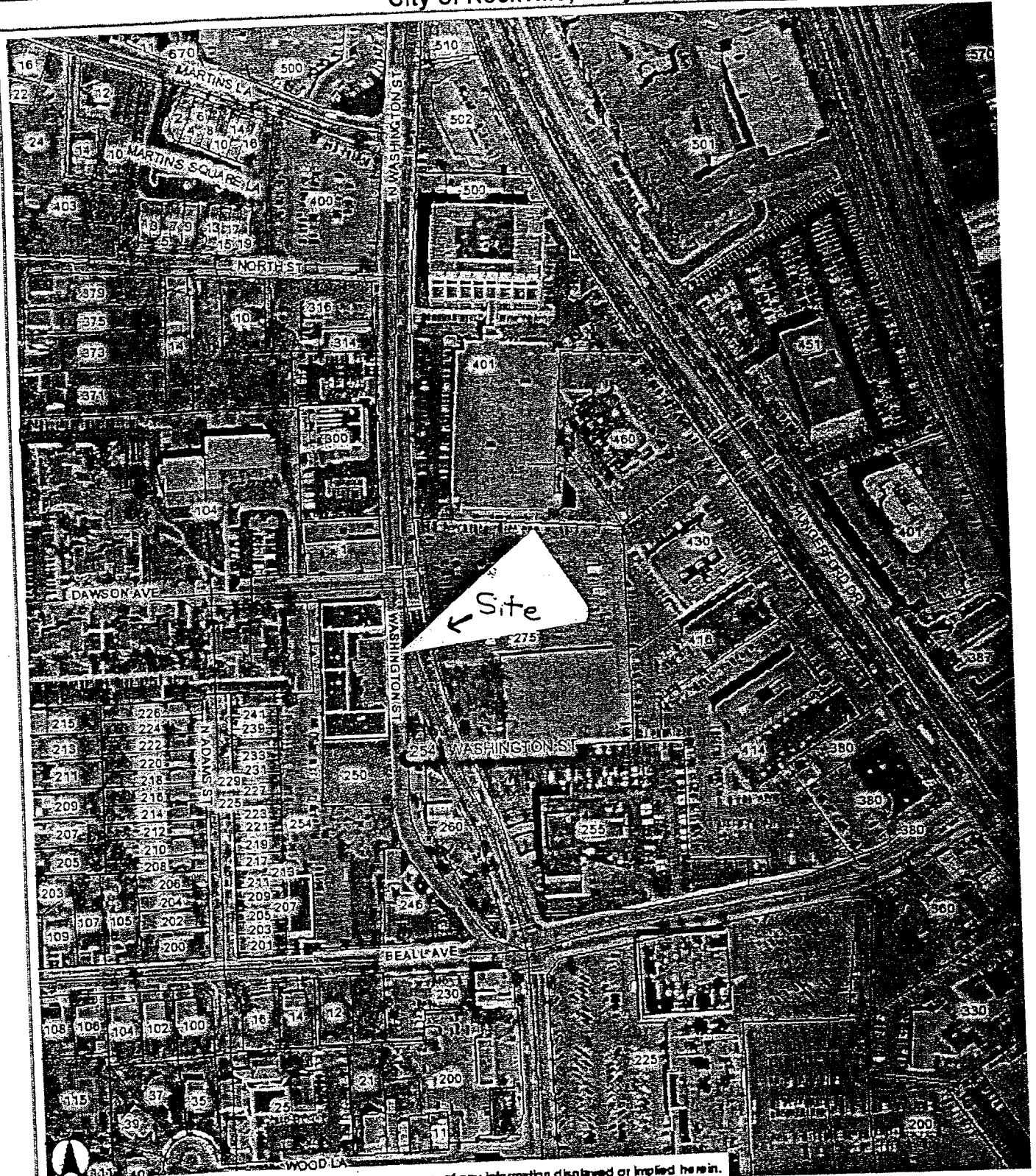
BEALL AVE

O-2

R-60



City of Rockville, Maryland GIS Map



The City of Rockville does not guarantee the accuracy or currency of any information displayed or implied herein.

Routed To:

☒ Council

☐ City Clerk

☒ City Manager

☒ City Attorney

☐ Council Support Specialist

☒ Other Art Chambers

January 25, 2005

The Mayor and Council
City of Rockville, Md.
111 Maryland Ave
Rockville, Md. 20850

We attended the meeting of January 10th
on the projected plans for the Fleet
Street development, and support
100% the objections voiced by the
residents of the surrounding area.

My father and mother built my
home in 1947 and over the years
we have seen our quality of
life lowered by the development
in the area -

I am also surprised that the homes
on Fleet St. have not been included
in the Historic Preservation.

I urge you to consider other
alternatives to protect our area.

Very truly yours
Mary Garrett Albert
Wendy B. Albert



City of Rockville

MEMORANDUM

November 22, 2004

TO: Mayor and Council

FROM: Planning Commission - Members Present: Commissioners Britton, Hilton, Johnson, Mullican, Ostell and Wiener

SUBJECT: Map Amendment Application MAP2004-00091, Mayor and Council of Rockville

The Planning Commission considered this application at its November 3, 2004 meeting. The application is a sectional Map Amendment that will confirm the zoning on most property in the Town Center Planning Area, while rezoning certain properties per recommendations in the Town Center Master Plan, Comprehensive Master Plan and the compatibility text amendment.

Commissioner Hilton asked what the recommendation in the Master Plan had been regarding the properties on South Washington Street whose owners had testified during the Master Plan process. Staff responded that the recommendation was to review any changes in zoning in that vicinity as part of a Neighborhood Plan for the West End neighborhood. Commissioner Metzger asked when that plan would begin, and staff responded that it would probably commence within the next one and one-half years.

Commissioner Hilton asked about the enclave of property that is in the County along Darnestown Road (properties on Dav and Hiwood Roads). Staff confirmed that this property is not a true enclave because it is connected to property in the County by the Darnestown Road right-of-way. This is unlike the two properties on Hectic Hill Lane that are entirely surrounded by property within the City and, therefore, are truly an enclave.

Commissioner Mullican stressed that the new zoning maps should be clearly readable, including the labeling of all streets on each sheet. Staff responded that, with the transition of the zoning map to GIS, there are still some items to clarify, including shading patterns.

Commissioner Ostell asked whether the rezoning of the Fleet Street properties was satisfactory to the neighborhoods. Jim Wasilak responded that previously there had been concerns about other uses, such as a parking lot on that site, but that he could not recall any opposition to the

recommendation in the Town Center Plan to rezone the property. He pointed out that the R-30 townhouse yield on the property was of a similar density to the adjacent Courthouse Walk community. Commissioner Ostell also asked whether the former homes on the property were historic, and Mr. Wasilak responded that they were included in the City's inventory of historic properties, and would require review by the Historic District Commission by virtue of their age as well.

Commissioner Ostell asked about the discussions taking place on the Town Center zones, and Mr. Wasilak answered that the Mayor and Council had concerns about the potential densities and height limitations for the TC zones. Another worksession with the Mayor and Council is necessary before that process moves forward. She also asked about whether the property owners on Hectic Hill Lane agreed with the rezoning, and Mr. Wasilak responded that he did not know because he had not received any calls. There would be another notice sent out prior to the Mayor and Council public hearing. Bob Spalding added that there is a private covenant on the properties that restricts the minimum lot sizes to two acres.

Commissioner Ostell also asked about the two properties that were subject to the moratorium that led to the compatibility text amendment - 22 West Jefferson Street and the former car dealer site on Rockville Pike. Mr. Wasilak responded that 22 West Jefferson was subject to the rezoning (from O-1 to O-2), but that the car dealer would remain in the RPC Zone. Bob Spalding added that the applicant for the 22 West Jefferson Use Permit had amended their submission. The new plan meets the new transitional setbacks and height limitations, but would not meet the lot coverage requirement in the O-2 Zone.

The Commission voted unanimously to recommend approval of Map Amendment application MAP2004-00091 to the Mayor and Council.

/rjw

cc: Planning Commission

**CITY OF ROCKVILLE LONG RANGE PLANNING DIVISION
STAFF REPORT**

October 27, 2004

SUBJECT:

Map Amendment Application MAP2004-00091

Applicant: Mayor and Council of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Planning Commission Review Date: October 27, 2004
Mayor and Council Public Hearing: December 6, 2004

REQUEST:

This application is a Sectional Map Amendment that is intended to rezone portions of the Town Center Planning Area based on the recommendations in the Town Center Master Plan. Sectional Map Amendments are defined by Section 25-116 of the Zoning Ordinance as covering a section of the City, portions of which may be classified in different zones.

BACKGROUND:

The Mayor and Council adopted the Town Center Master Plan on October 22, 2001. Within that document, several recommended changes to the Zoning Map were included in order for the Plan's recommendations to be realized. The processing and adoption of a Map Amendment application to change the zones will implement these recommendations.

DISCUSSION:

The Map Amendment as proposed would accomplish the renaming of the Town Center zones from TCO-1, TCO-2, TCM-1 and TCM-2 to TC-1, TC-2, TC-3 and TC-4 respectively, which was a recommendation of the Town Center Master Plan. Note that any zoning changes east of the Metro/CSX tracks will be brought forward via the zoning recommendations contained in the East Rockville and Lincoln Park Neighborhood Plans.

Approximately 12.66 acres will be rezoned from the TCO-1 Zone to the TC-1 Zone, and are located generally along the west side of North Washington Street between Jefferson Street and Martins Lane. Approximately 14.55 acres along the east side of Hungerford Drive between Baltimore Road and the Archstone development will be rezoned from the TCO-2 Zone to the TC-2 Zone. Approximately 26.45 acres near the Rockville Metro station will be rezoned from the TCM-2 Zone to the TC-4 Zone, while approximately 25.73 acres will be zoned from the TCM-1 Zone to the TC-3 Zone. It should be noted that, given the new property boundaries and

street rights-of-way that have recently been created as a result of the Town Square project, staff recommends that the zone boundary follow Maryland Avenue extended. Property to the west of Maryland Avenue will be located in the TC-3 Zone rather than being split-zoned, a situation that should be avoided where possible. This will result in a reduction in the amount of land in the TC-4 Zone compared to what had been in the TCM-2 Zone.

In addition to the renaming, several properties will be rezoned to different zones. These include rezoning 10.42 acres, generally along the west side of North Washington Street and Hungerford Drive between Martins Lane and Ivy League Lane, from the C-2 to TC-1 Zone. The west side of the Rockville Metro station is proposed to be rezoned from the TCO-2 Zone to the TC-4 Zone.

The following is a discussion of specific sites to be rezoned:

Fleet Street properties

The Town Center Master Plan recommended that the property located on the south side of Fleet Street, between Maryland Avenue and Monroe Street, be rezoned from the R-90 (One Family Detached, Restricted Residential) to the R-30 (Multiple Family, Low Density Residential) Zone. This would allow construction of townhouses or low-density multifamily structures on the site per the land use recommendations of the Plan.

The property is currently owned by the Montgomery County government, and contains nine former residences that have been used by the County for office space or other needs. The County has begun the disposition process, and the Housing Opportunities Commission (HOC) has expressed interest in developing residential units in the R-30 Zone. Given the surrounding uses, including City Hall and the County Council Office Building parking garage and the Emergency Communications Center, use of the property as single-family detached homes is not desirable. However, because of nearby single-family homes further south on Monroe Street, and the adjacent Courthouse Walk townhouse community, townhouse or low-density multifamily dwellings would make an appropriate transitional use between the non-residential and residential uses that surround the property. It should be noted that an unimproved 55-foot-wide right-of-way for Mt. Vernon Place separates this property from the Courthouse Walk community, providing an opportunity for a substantive buffer between that community and any new development on the property should it occur.

Jerusalem Mt. Pleasant Church properties

The church itself is listed in the National Register of Historic Places, and the church and adjacent parsonage are within the West Montgomery Avenue Historic District. However, the church building is located in the R-60 Zone, while the parsonage and former shelter are located in the TCO-1 Zone. The remainder of church-owned property is in the O-2 Zone and fronts on Beall Avenue. These parcels are contiguous, yet are in three separate zones.

The Town Center Master Plan recommended that the Jerusalem Mt. Pleasant Church property be rezoned to the O-2 Zone in order to remove the condition that church property is within three zones. Unfortunately, the text amendment that created the C-T Zone also prohibited subdivision for the purpose of assembling properties for redevelopment. The accompanying Text Amendment includes language that would exempt properties like the existing Jerusalem Church properties from this restriction, provided that the assembled land is limited in size to 40,000 square feet total. In order to simplify any future site improvements to the property, the Town Center Master Plan recommends that all of the parcels be zoned O-2.

39 West Montgomery Avenue

In the Comprehensive Map Amendment that was approved in August 2003, a total of 21 properties were rezoned from the O-2 Zone to the C-T (Commercial Transition) Zone. These properties meet the intent of the new zone, which is meant to apply to those existing structures that were formerly single family residences and have been converted to office use through previous implementation of the O-2 Zone. The purpose of the C-T Zone is to distinguish these properties from other office structures that were built for office use under the O-2 development standards, and that will remain in the O-2 Zone.

39 West Montgomery Avenue was considered for rezoning at the time of the Comprehensive Map Amendment, but was removed from consideration due to comment from the property owner that the C-T Zone would be restrictive on future use and potential additional development of the site. The property was removed from the map amendment in order to allow the owner to consider options, and staff discussions indicate that the owner is considering developing a second lot. Staff therefore recommends that the property be included for rezoning to C-T, with the possibility that adjustments may be made in the future to allow the portion of the property that contains the Anderson House to be rezoned to the C-T, with the remainder remaining zoned O-2.

107 South Washington Street

In order to accommodate the expansion plans of the Christ Episcopal School, the rectory property is recommended for rezoning to the R-90 Zone. A portion of the current school crosses the zone boundary, and this would allow the school to be in the R-90 Zone. Although the rectory property was rezoned from the O-2 Zone to the C-T Zone last year as part of the Comprehensive Map Amendment, this action should have no practical effect on the rectory use.

Notification

Notification is required for the public hearing of a sectional map amendment. In addition, letters were sent to all property owners that own property where zoning is recommended for change. In addition, affected civic associations were notified by letter.

Recommendation

The majority of properties will not be affected by the zoning changes, as the new zoning is just a renaming will essentially confirm the existing zoning. For those properties that are changing, those changes were considered as part of public policy discussions of either the Town Center Master Plan or Text Amendment. Staff therefore recommends approval of the application as submitted, for the reasons noted above.

/rjw

Attachments

1. Application Form
2. List of Properties to be rezoned
3. Pages from Town Center Master Plan
4. Proposed zoning map

APPLICATION TO THE CITY OF ROCKVILLE
FOR A MAP AMENDMENT
TO THE ZONING AND PLANNING ORDINANCE

THIS APPLICATION MUST BE TYPEWRITTEN OR PRINTED AND NOTARIZED AND SUBMITTED IN DUPLICATE TO THE CITY CLERK FOR FILING. ALL ITEMS MUST BE COMPLETED AND THE REQUIRED DOCUMENTS AND FILING FEE MUST ACCOMPANY THIS APPLICATION.

<u>Mayor and Council of Rockville</u> Name of Applicant <u>111 Maryland Avenue</u> Address <u>Rockville, Maryland 20850</u> Telephone Number <u>240-314-5000</u>	DO NOT WRITE IN THIS SPACE Application No. <u>MAP2004-00091</u> Filing Date <u>October 7, 2004</u> Filing Fee _____ Public Hearing Date <u>11/1/04</u> Decision/Date _____
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Owner (if other than Applicant)

Attorney for Applicant

Address

Address

Telephone Number

Telephone Number

APPLICATION IS HEREBY MADE WITH THE ROCKVILLE MAYOR AND COUNCIL FOR APPROVAL OF THE RECLASSIFICATION OF PROPERTY LOCATED IN ROCKVILLE, MARYLAND, AND KNOWN AS:

Lot _____ Block _____ Subdivision SEE ATTACHED LIST if boundaries conform to lot boundaries within a subdivision for which a plat is recorded among the Land Records of Montgomery County. If not, attach a description by metes and bounds, courses and distances and plat reference.

Also furnish the following information from the tax bill for the land(s) to be zoned:

DISTRICT	SUBDIVISION	NAME CODE*	LOT	BLOCK	ACRE/FT.	SUBDIVISION OR TRACT NAME

*The account number as recorded on the tax docket (Mont. Co.) Assessment Office.

Properties to be Rezoned in Town Center Sectional Map Amendment						
Property Address	Owner	Tax Account Number	Subdivision	Existing Zone	New Zone	Land Area
Properties to be rezoned from R-90 to R-30						
205 Fleet Street	Montgomery County	00205007	Rockville Heights Block 2, Lot P6	R-90	R-30	3.85 acres
207 Fleet Street	Montgomery County	00205053	Rockville Heights Block 2, Lot P1	R-90	R-30	42,034 SF
209 Monroe Street	Montgomery County	00205042	Rockville Heights Block 2, Lot P3	R-90	R-30	30,214 SF
211 Monroe Street	Montgomery County	00204993	Rockville Heights Block 2, Lot P4	R-90	R-30	15,210 SF
Maryland Avenue	Montgomery County	00204947	Rockville Heights Block 2, Lot P7	R-90	R-30	23,108 SF
Properties to be rezoned from C-2 to TC-1						
804 Hungerford Drive	Banner Glass Inc.	03362296	Veirs Tract Block A, Lot P2	C-2	TC-1	57,111 SF
808 Hungerford Drive	John M. Conroy, et al., c/o HBW Group	00144648	Veirs Tract Block A, Lot P3	C-2	TC-1	10.42 acres
800 Hungerford Drive	Hungford Investment Limited Partnership	02044994	Veirs Tract Block A, Lot 5	C-2	TC-1	35,577 SF
700 Hungerford Drive	John M. Conroy et al., c/o Jeepers, Inc.	00144661	Volkswagon Lot	C-2	TC-1	19,916 SF
700 Hungerford Drive	John M. Conroy et al., c/o Jeepers, Inc.	00144650	Volkswagon Lot	C-2	TC-1	26,261 SF
790 Hungerford Drive	Sun Oil Company of PA	00153302	Veirs Tract Block A, Lot P4	C-2	TC-1	45,634 SF
650 Hungerford Drive	Asia Real Estate Corp.	00142514	Columbia Building Lot	C-2	TC-1	79,388 SF
622 Hungerford Drive	John M. Conroy et al., c/o Conroy Ballman Dameron	01928407	City Center Block A, Lot P2	C-2	TC-1	15,418 SF
622 Hungerford Drive	John M. Conroy et al., c/o Conroy Ballman Dameron	00144637	City Center Block A, Lot P2	C-2	TC-1	37,014 SF
						36,596 SF
						58,074 SF

October 1, 2004

Properties to be Rezoned in Town Center Sectional Map Amendment						
Property Address	Owner	Tax Account Number	Subdivision	Existing Zone	New Zone	Land Area
Properties to be rezoned from R-90 to R-30						
205 Fleet Street	Montgomery County	00205007	Rockville Heights Block 2, Lot P6	R-90	R-30	3.85 acres 42,034 SF
207 Fleet Street	Montgomery County	00205053	Rockville Heights Block 2, Lot P1	R-90	R-30	30,214 SF
209 Monroe Street	Montgomery County	00205042	Rockville Heights Block 2, Lot P3	R-90	R-30	15,210 SF
211 Monroe Street	Montgomery County	00204993	Rockville Heights Block 2, Lot P4	R-90	R-30	23,108 SF
Maryland Avenue	Montgomery County	00204947	Rockville Heights Block 2, Lot P7	R-90	R-30	57,111 SF
Properties to be rezoned from C-2 to TC-1						
804 Hungerford Drive	Banner Glass Inc.	03362296	Veirs Tract Block A, Lot P2	C-2	TC-1	10.42 acres 35,577 SF
808 Hungerford Drive	John M. Conroy, et al., c/o HBW Group	00144648	Veirs Tract Block A, Lot P3	C-2	TC-1	19,916 SF
800 Hungerford Drive	Hungerford Investment Limited Partnership	02044994	Veirs Tract Block A, Lot 5	C-2	TC-1	26,261 SF
700 Hungerford Drive	John M. Conroy et al., c/o Jeepers, Inc.	00144661	Volkswagon Lot	C-2	TC-1	45,634 SF
700 Hungerford Drive	John M. Conroy et al., c/o Jeepers, Inc.	00144650	Volkswagon Lot	C-2	TC-1	79,388 SF
790 Hungerford Drive	Sun Oil Company of PA	00153302	Veirs Tract Block A, Lot P4	C-2	TC-1	15,418 SF
650 Hungerford Drive	Asia Real Estate Corp.	00142514	Columbia Building Lot	C-2	TC-1	37,014 SF
622 Hungerford Drive	John M. Conroy et al., c/o Conroy Ballman Dameron	01928407	City Center Block A, Lot P2	C-2	TC-1	36,596 SF
622 Hungerford Drive	John M. Conroy et al., c/o Conroy Ballman Dameron	00144637	City Center Block A, Lot P2	C-2	TC-1	58,074 SF

Properties to be Rezoned in Town Center Sectional Map Amendment						
Property Address	Owner	Tax Account Number	Subdivision	Existing Zone	New Zone	Land Area
500 North Washington Street	United States Postal Service	00153814	GR33, Lot P601	C-2	TC-1	100,101 SF
Properties to be rezoned from TCO-2 to C-2						
587 Hungerford Drive	Tafida Associates	00155972	City Center Lot 21	TCO-2	C-2	1.33 acres 58,015 SF
Properties to be rezoned from TCO-1 to TC-1						
1 Dawson Avenue	Benjamin F. and D Rossner et al, c/o Thomas P. Brown Inc.	00156065	Simmons Addition Parcel C	TCO-1	TC-1	12.66 acres 13,389 SF
400 North Washington Street	Herbert I Stern Rev. Trust	00156340	Stern Property Parcel A	TCO-1	TC-1	46,547 SF
316 North Washington Street	Jamil M. Azat, et al.	00158372	City Center Block A, Lot 1	TCO-1	TC-1	17,863 SF
316 North Washington Street	Mousa J. and L. Azat, et al	00155458	GR33, Lot P764	TCO-1	TC-1	3,724 SF
300 North Washington Street	Kam Sam Food Product of Maryland Inc	03185851	City Center Block A, Lot 5	TCO-1	TC-1	43,192 SF
250 North Washington Street	John J. Fitzgerald Jr., c/o Allfirst Bank	03015394	City Center Block A, Lot 3	TCO-1	TC-1	13,636 SF
260 North Washington Street	Crown Stations Inc.	00146294	City Center Lot 10	TCO-1	TC-1	16,983 SF
254 North Washington Street	MHP Town Centre, Inc., c/o Tad Baldwin	03032855	City Center Block A, Lot 4	TCO-1	TC-1	96,878 SF
246 North Washington Street	George R. Snowden et al	00156178	GR32, Parcel P9	TCO-1	TC-1	14,500 SF
246 North Washington Street	George R. Snowden et al	00156167	GR32, Parcel P64	TCO-1	TC-1	236 SF
North Washington Street	Mayor and Council of Rockville	00148316	GR32, Parcel N45	TCO-1	TC-1	723 SF

Properties to be Rezoned in Town Center Sectional Map Amendment						
Property Address	Owner	Tax Account Number	Subdivision	Existing Zone	New Zone	Land Area
230 North Washington Street	Yuet A and L A S Lau	00147276	Metropolitan Subdivision	TCO-1	TC-1	18,925 SF
200 North Washington Street	Exxon Corp	00147460	Original Town of Rockville Block 7, Lot P35	TCO-1	TC-1	41,168 SF
110 North Washington Street	Rockville Associates LLC	02431014	Original Town of Rockville Block 6, Lot 31	TCO-1	TC-1	57,010 SF
12 North Washington Street	Federal Realty Partners LP	00148327	Original Town of Rockville Block 5, Lot 25, Pt Lot 24, 26	TCO-1	TC-1	65,504 SF
15 West Montgomery Avenue	John T. Bell	00156225	Original Town of Rockville Block 5, Lot 1	TCO-1	TC-1	11,114 SF
2 West Montgomery Avenue	United States of America	00157184	Original Town of Rockville Block 4, Lot P21	TCO-1	TC-1	27,288 SF
18 West Montgomery Avenue	18 West Montgomery Ave LLC	00157947	Original Town of Rockville Block 4, Lot P21	TCO-1	TC-1	2,810 SF
50 West Montgomery Avenue	Jeb Howard et al, Trustees	00148976	Original Town of Rockville Block 16, Lot 3	TCO-1	TC-1	35,794 SF
77 South Washington Street	77 S. Washington Condominium		Original Town of Rockville	TCO-1	TC-1	
99 South Washington Street	HTMI Limited Partnership	01735054	Original Town of Rockville Block 4, Lot P1	TCO-1	TC-1	5,542 SF
17 West Jefferson Street	John H. Garza	01735043	Original Town of Rockville Block 4, Lot	TCO-1	TC-1	10,502 SF

Properties to be Rezoned in Town Center Sectional Map Amendment						
Property Address	Owner	Tax Account Number	Subdivision	Existing Zone	New Zone	Land Area
27 West Jefferson Street	Montgomery County Maryland Bar Foundation Inc	02515717	P1 Original Town of Rockville Block 16	TCO-1	TC-1	8,173 SF
Properties to be rezoned from TCO-1 to O-2						
11 Wood Lane	Board of Trustees of Jerusalem Mt Pleasant United Methodist Church	00147717	Original Town of Rockville Block 7, Lot P31	TCO-1	O-2	2,323 SF
Wood Lane	Board of Trustees of Jerusalem Mt Pleasant United Methodist Ch	00147454	Original Town of Rockville Block 7, Lot P31	TCO-1	O-2	2,376 SF
Wood Lane	Jerusalem Methodist Episcopal Church of Montgomery County	02064684	Original Town of Rockville Block 7, Lot P32	TCO-1	O-2	6,918 SF
Properties to be rezoned from R-60 to O-2						
Wood Lane	Jerusalem Methodist Episcopal Church of Montgomery County	02064673	Original Town of Rockville Block 19, Lot P82	R-60	O-2	3,300 SF
Wood Lane	Jerusalem Methodist Episcopal Church of Montgomery County	02064662	Original Town of Rockville Block 19, Lot P82	R-60	O-2	935 SF
21 Wood Lane	Jerusalem Methodist Episcopal Church of Montgomery County	00147881	Original Town of Rockville Block 19, Lot P83	R-60	O-2	7,744 SF
Properties to be rezoned from O-2 to C-T						
39 West Montgomery Avenue	Anderson House LLC	03061425	Original Town of Rockville, Block 17, Lot 1	O-2	C-T	32,670 SF

Properties to be Rezoned in Town Center Sectional Map Amendment						
Property Address	Owner	Tax Account Number	Subdivision	Existing Zone	New Zone	Land Area
Properties to be rezoned from TCO-2 to TC-2						
8 Baltimore Road	Rockville Assisted Living LLC	03131313	Third Addition to Rockville, Lot 24	TCO-2	TC-2	14.55 acres
22 Baltimore Road	Wire Historic Building LLC	03355405	Third Addition to Rockville, Lot 25A	TCO-2	TC-2	51,008 SF
21 Church Street	Church Street LLC	03355416	Third Addition to Rockville, Lot 25B	TCO-2	TC-2	14,299 SF
1 Church Street	One Church Street LLC	02728555	Third Addition to Rockville, Lot 23	TCO-2	TC-2	35,945 SF
Rockville Pike	Washington Metropolitan Area Transit Authority		Rockville Metro Station Metered Parking Lot	TCO-2	TC-2	30,210 SF
501 Hungerford Drive	ASN Rockville LLC	03371815	City Center Block C, Lot 32	TCO-2	TC-2	
451 Hungerford Drive	Joseph C Rodgers et al Trustees	01839664	City Center Block C, Lot 24	TCO-2	TC-2	210,842 SF
401 Hungerford Drive	Montgomery County	02469995	City Center Block C, Lot 25	TCO-2	TC-2	136,066 SF
387 Hungerford Drive	Chevy Chase Bank LLC	02801430	City Center Block C, Lot 31	TCO-2	TC-2	62,726 SF
Hungerford Drive	Mae S. Merchant	02716490	GR33, Parcel N955	TCO-2	TC-2	35,719 SF
379 Hungerford Drive	Merchants Inc	02130370	City Center Block C, Lot P26	TCO-2	TC-2	10,315 SF
369 Hungerford Drive	Rockville Town Center II LLC	00148668	GR32, Parcel P20	TCO-2	TC-2	16,167 SF
Properties to be rezoned from TCM-1 to TC-3						
27 Courthouse Square	Montgomery County	00152455	Original Town of Rockville Block 8, Lot 35	TCM-1	TC-3	25.73 acres
Maryland Avenue	Montgomery County	00152604	GR32, Lot P365	TCM-1	TC-3	131,726 SF
						3,993 SF

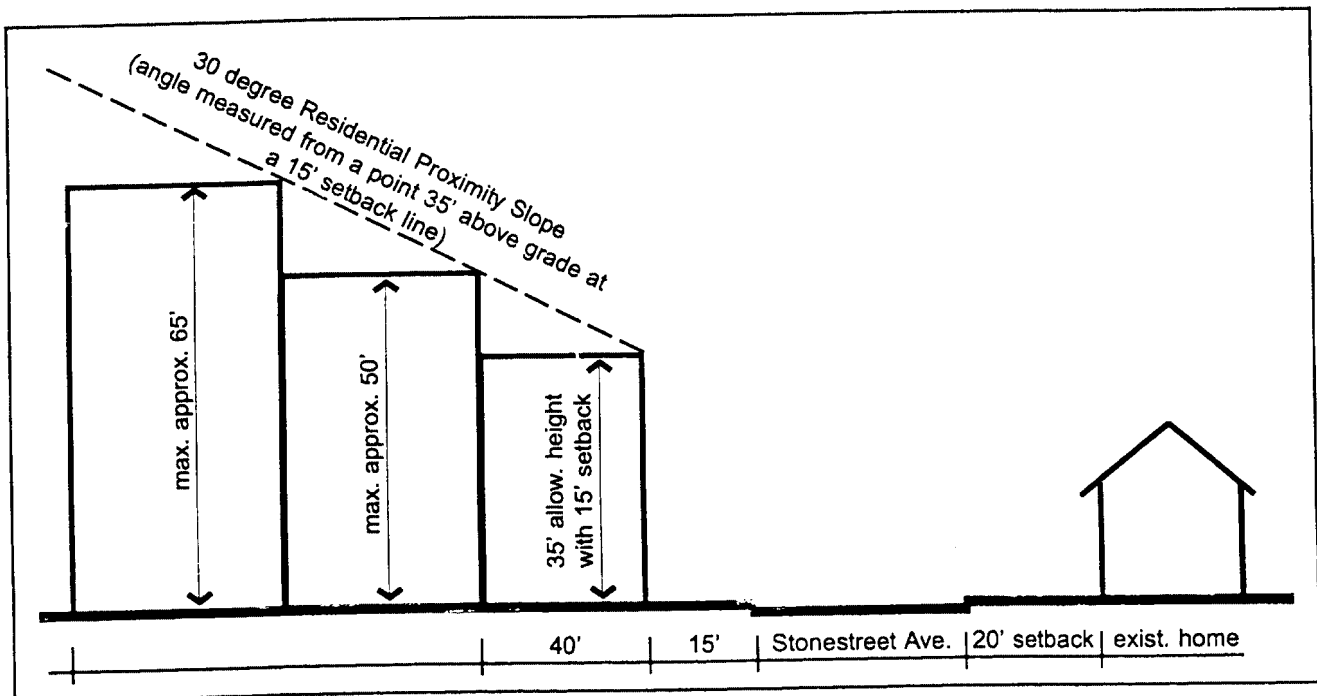
Properties to be Rezoned in Town Center Sectional Map Amendment						
Property Address	Owner	Tax Account Number	Subdivision	Existing Zone	New Zone	Land Area
Maryland Avenue	Mayor and Council of Rockville	03255852	GR32, Lot P393	TCM-1	TC-3	16,493 SF
4 Courthouse Square	Farmers Bank and Trust Co., c/o Allfirst Bank	03310500	Rockville Town Center Parcel 5-A	TCM-1	TC-3	4,902 SF
11 North Washington Street	Eleven North Washington LLC	03310511	Rockville Town Center Parcel 5-B	TCM-1	TC-3	37,250 SF
225 North Washington Street	Mayor and Council of Rockville	03444706	City Center Block B, Lot 20	TCM-1	TC-3	150,748 SF
151 Commerce Street	Mayor and Council of Rockville	03444752	City Center Block B, Lot 22	TCM-1	TC-3	19,750 SF
380 Hungerford Drive	Rockville Volunteer Fire Dept	00155130	City Center Lot 5	TCM-1	TC-3	29,026 SF
380 Hungerford Drive	Rockville Volunteer Fire Dept	00155152	GR33, Lot P957	TCM-1	TC-3	11,000 SF
380 Hungerford Drive	Rockville Volunteer Fire Dept	00155141	GR32, Parcel N17	TCM-1	TC-3	2,954 SF
Beall Avenue	Rockville Town Center LLC	00156522	City Center Outlot A	TCM-1	TC-3	2,110 SF
255 North Washington Street	Rockville Town Center LLC	00156511	City Center Lot 3	TCM-1	TC-3	98,122 SF
414 Hungerford Drive	Davers and Assoc	00145142	City Center, Lot 8	TCM-1	TC-3	106,460 SF
416 Hungerford Drive	Davers and Assoc	00145153	City Center, Lot 12	TCM-1	TC-3	40,000 SF
430 Hungerford Drive	Erie Beverage Co. Inc.	00156327	Stern Property	TCM-1	TC-3	55,272 SF
460 Hungerford Drive	Maxim Enterprises Inc	00144477	City Center, Lot 6	TCM-1	TC-3	53,735 SF
275 North Washington Street	Washington Associates C/o Giant Food, Inc.	00156338	City Center, Lot 7	TCM-1	TC-3	136,789 SF
401 North Washington Street	Transwestern Gateway LLC	00149470	City Center, Lot 11	TCM-1	TC-3	167,719 SF
500 Hungerford Drive	500 Hungerford Dr LLC	00158281	GR33, Lot P712	TCM-1	TC-3	11,107 SF
502 Hungerford Drive	Bank of Baltimore, c/o First	02339901	City Center Block B, Lot	TCM-1	TC-3	31,005 SF

Properties to be Rezoned in Town Center Sectional Map Amendment						
Property Address	Owner	Tax Account Number	Subdivision	Existing Zone	New Zone	Land Area
502 Hungerford Drive	Union		14			
	Petroleum Marketing Assoc Inc.	00154421	GR33, P658	TCM-1	TC-3	44 SF
510 Hungerford Drive	Petroleum Marketing Assoc Inc.	00147152	GR33, P639	TCM-1	TC-3	10,589 SF
Properties to be rezoned from TCM-1 and TCM-2 to TC-3						
100 North Maryland Avenue	Mayor and Council of Rockville	03444730	City Center Block B, Lot 19	TCM-2/TCM-1	TC-4	70,916 SF
140 North Maryland Avenue	Mayor and Council of Rockville	03444728	City Center Block B, Parcel B	TCM-2/TCM-1	TC-4	15,996 SF
150 North Maryland Avenue	Mayor and Council of Rockville	03444741	City Center Block B, Lot 21	TCM-2	TC-4	46,353 SF
Properties to be rezoned from TCO-2 to TC-4						
Rockville Pike	Washington Metropolitan Area Transit Authority		Rockville Metro Station	TCO-2	TC-4	4 acres
Properties to be rezoned from TCM-2 to TC-4						
22-24 Courthouse Square	The Victoria Condominium Association, etc.		Rockville Town Center Parcel 4-C	TCM-2	TC-4	
41 Maryland Avenue	Lodging Partners LLC	03198603	Rockville Town Center Parcel 2-H	TCM-2	TC-4	18,150 SF
32 Courthouse Square	Paul E and R M Schlosser	01781038	Rockville Town Center Parcel 3-C	TCM-2	TC-4	6,335 SF
199 East Montgomery Avenue	Pavilion Partners Inc.	03210477	Rockville Town Center Parcel 2-G	TCM-2	TC-4	65,905 SF
196 East Montgomery Avenue	Tower 3 Associates	03297617	Rockville Town Center Parcel 2-J	TCM-2	TC-4	78,933 SF
198 East Montgomery Avenue	Tower 2 Associates	03297628	Rockville Town Center Parcel 2-K	TCM-2	TC-4	57,631 SF
101 Monroe Street	Montgomery County	02253130	Rockville Town Center	TCM-2	TC-4	217,667 SF

Properties to be Rezoned in Town Center Sectional Map Amendment						
Property Address	Owner	Tax Account Number	Subdivision	Existing Zone	New Zone	Land Area
260 East Jefferson Street	Edwin R Brown Family Trust	0143518	Block B, Lot P5	TCM-2	TC-4	18,682 SF
90 Monroe Street	Town Center Apartments, Inc.	01776533	Rockville Town Center Block B, Lot 2	TCM-2	TC-4	27,828 SF
50 Monroe Place	Alexander Guss et al., c/o Ronald Cohen Mgt	00144444	GR32, Lot P401	TCM-2	TC-4	19,528 SF
Monroe Street	Mayor and Council of Rockville		GR32, Lot P309	TCM-2	TC-4	
51 Monroe Street	B Franklin Kahn et al., c/o Washington Real Estate Investment Trust	01621196	Mid City Urban Renewal Project, Parcel 2-L	TCM-2	TC-4	52,707 SF
255 Rockville Pike	Eldridge Inc.	03084266	Rockville Town Center Parcel 2-F	TCM-2	TC-4	109,107 SF
111 Rockville Pike	Rockville Metro Plaza I LLC	03266855	City Center Block B, Lot 16A	TCM-2	TC-4	47,448 SF
121 Rockville Pike	Pension Benefit Fund Inc.	03266866	City Center Block B, Lot 16B	TCM-2	TC-4	106,311 SF
200 East Middle Lane	Mayor and Council of Rockville	03444763	City Center Block B, Lot 18	TCM-2	TC-4	71,831 SF
330 Hungerford Drive	William K. Cassidy et al	00144147	City Center Lot 4	TCM-2	TC-4	63,467 SF
360 Hungerford Drive	American Oil Company	00142230	GR32, Lot P38	TCM-2	TC-4	48,793 SF
North Maryland Avenue	Mayor and Council of Rockville	03444717	City Center Block B, Outlot A	TCM-2	TC-4	8,623 SF
Properties to be rezoned from C-T to R-90						
107 South Washington Street	Vestry of Prince George's Parish in Montgomery County	00157322	Original Town of Rockville, Block 2, Lot P6	C-T	R-90	13,300 SF

The following is a list of recommended zoning changes:

1. A change in zoning of the west side of the Metro station property from TCO-2 (FAR of 2.0) to TC-4 (FAR of 4.0) increasing the maximum permitted density to take advantage of the transit opportunities at the site.
2. A change in zoning of the east side of the Metro station property from I-1 (FAR of .75) to TC-3 (FAR of 3) and the institution of a Residential Proximity Slope influencing this property as illustrated in the diagram below.
3. A change in zoning of properties on the west side of Washington Street between Jefferson Street and Wood Lane from TCO-1 (FAR of 1.0) to the new TC-1 zone which would not change the density of the properties but would allow greater flexibility in uses.
4. A change in zoning of properties on the west side of North Washington Street and MD 355
5. A change in zoning of properties on the east side of MD 355 north of Park Road from TCO-2 (FAR of 2.0) to TC-2 (FAR of 2.0) to allow for greater flexibility of uses.
6. A potential future change in zoning of properties to the west of North Stonestreet Avenue between Park Road and Lincoln Avenue and to the east of North Stonestreet Avenue between Park Road and Howard Avenue from I-1 (FAR of .75) to TC-1 (FAR of 1.0) to allow for residential and low-density office uses. (Note: Any Zoning changes for property in the Planning Area abutting North Stonestreet Avenue would occur in the context of a Neighborhood Plan for the area.)
7. A change in zoning of property at the southwest corner of Fleet Street and Monroe



A residential proximity slope should be utilized at the Metro station to protect adjacent residences.

- Street from R-90 to R-30, or to a new zone that would allow for an appropriate scale of single-family attached or multifamily development.
8. A change in the optional method of development for property north of Beall Avenue and east of Maryland Avenue extended from TCM-1 (FAR of 3.0) to TC-4 (FAR of 4.0) if provisions for proposed public street extension projects are made. Otherwise, properties would be subject to the TC-3 (currently named TCM-1) standards.
 9. A change in the optional method of development for property north of Dawson Avenue between North Washington Street and MD 355 from TCM-1 (FAR of 3.0) to TC-4 (FAR of 4.0) if provisions for proposed public street extension projects are made. Otherwise, properties would be subject to the TC-3 (currently named TCM-1) standards.
 10. A requirement for ground floor retail uses in properties that front Maryland Avenue; the resulting ground floor retail space would not be included in the FAR calculations and maximum heights would be measured starting from the second floor or 16 feet above the street level, whichever is lower.
 11. Allowance of surface parking (except on Maryland Avenue) as long as the lots are screened and no larger than 50,000 square feet.
 12. Creation of an Urban Design Overlay District (see map on page 91) within which the *Design Guidelines* recommendations described below would be applicable.
 13. A change in the maximum height limit to 110 feet for buildings built prior to July 1, 2001 in the TC-2 Zone, immediately south of Church Street and east of MD 355.
 14. Allowing freestanding restaurants in the TC-1 Zone as a permitted use along North Washington Street. Drive-through restaurants shall not be allowed. To encourage restaurants to locate in the proposed restaurant district, flexible parking regulations should be developed to allow for parking reductions when valet or other public or private off-site parking is provided.

These changes are shown on the *Proposed Zoning* map following page 88. No existing zoning requirements other than those described above would change. The Master Plan proposes these changes but recommends that City staff, in conjunction with property owners, evaluate these proposals further.

Design Guidelines Recommendations

The Master Plan recommends the creation of Design Guidelines for use in an Urban Design Overlay District (see map on page 91). The boundary of this district corresponds with the desired urban areas within the Town Center Planning Area. The creation of such standards will help to ensure that the design of new Town Center development meets the *Goal and Objectives* of the Master Plan.

The Town Center Planning Area includes areas at its periphery that are not always identified as being within the urban core of the Town Center. The guidelines would not apply to those areas. In addition, some areas in the Planning Area deserve further study as part of a neighborhood planning effort incorporating other areas beyond the Town Center Planning Area boundaries. The creation of any design standards for those areas should be done in conjunction with those neighborhood planning efforts.

The recommended Design Guidelines for the Town Center are based upon the *Desired Framework* and the goal of reinforcing the East

KING & ATTRIDGE

PATRICK JAMES ATTRIDGE
pjattridge@kingattridge.com

THE ANDERSON HOUSE
39 WEST MONTGOMERY AVENUE
ROCKVILLE, MARYLAND 20850
(301) 279-0780
FACSIMILE (301) 279-2988

ADMITTED IN MARYLAND
AND THE DISTRICT OF COLUMBIA

March 18, 2005

Mayor Giammo and City Council Members
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

**Re: 39 W. Montgomery Avenue
Proposed Zoning Reclassification**

Dear Mayor Giammo and Members of the Council:

On behalf of Anderson House LLC, the owner of 39 West Montgomery Avenue ("the property"), we renew our previously stated objection to the proposal to re-zone the property from the O-2 to the C-T Zone. We request that the property be left in the O-2 Zone (its current status) or that the property be split zoned between the O-2 and C-T Zone. The split zone would place the portion of the property containing the former residence in the C-T Zone and leave the remainder of the property, which is buildable, in the O-2 Zone. "Attachment A" hereto shows the proposed division.

This issue was addressed at the Planning Commission meeting of November 3, 2004. The Commission unanimously supported the recommendation for split zoning on the property. (See "Attachment B" - Commission Memorandum dated November 22, 2004). At the Mayor and Council public hearing on January 10, 2005, I requested that the Map Amendment Application be revised, consistent with the Planning Commission recommendation, so as to split zone the property. Our request was supported by Jim Wasilak, the City's Chief of Long Range Planning.

At the January hearing, Councilmember Hoffmann inquired as to our plans for developing the portion of the property that would remain in the O-2 zone. As I indicated then, we have no immediate plans to build, but we will likely consider building in the next few years after the town center re-development is completed. "Attachment C" hereto is a front elevation of the type of building that we may wish to build. Please bear in mind that the property is located in the historic district and the exterior of any building in that area must be consistent with the nearby historical structures and must be approved by the historical commission. Also, the building height and square footage would be limited by the provisions of the O-2 Zone.

Mayor and City Council
Page Two
March 18, 2005

Thank you for your consideration of this matter. I look forward to answering any questions you may have at the March 21, 2005 meeting.

Very truly yours,

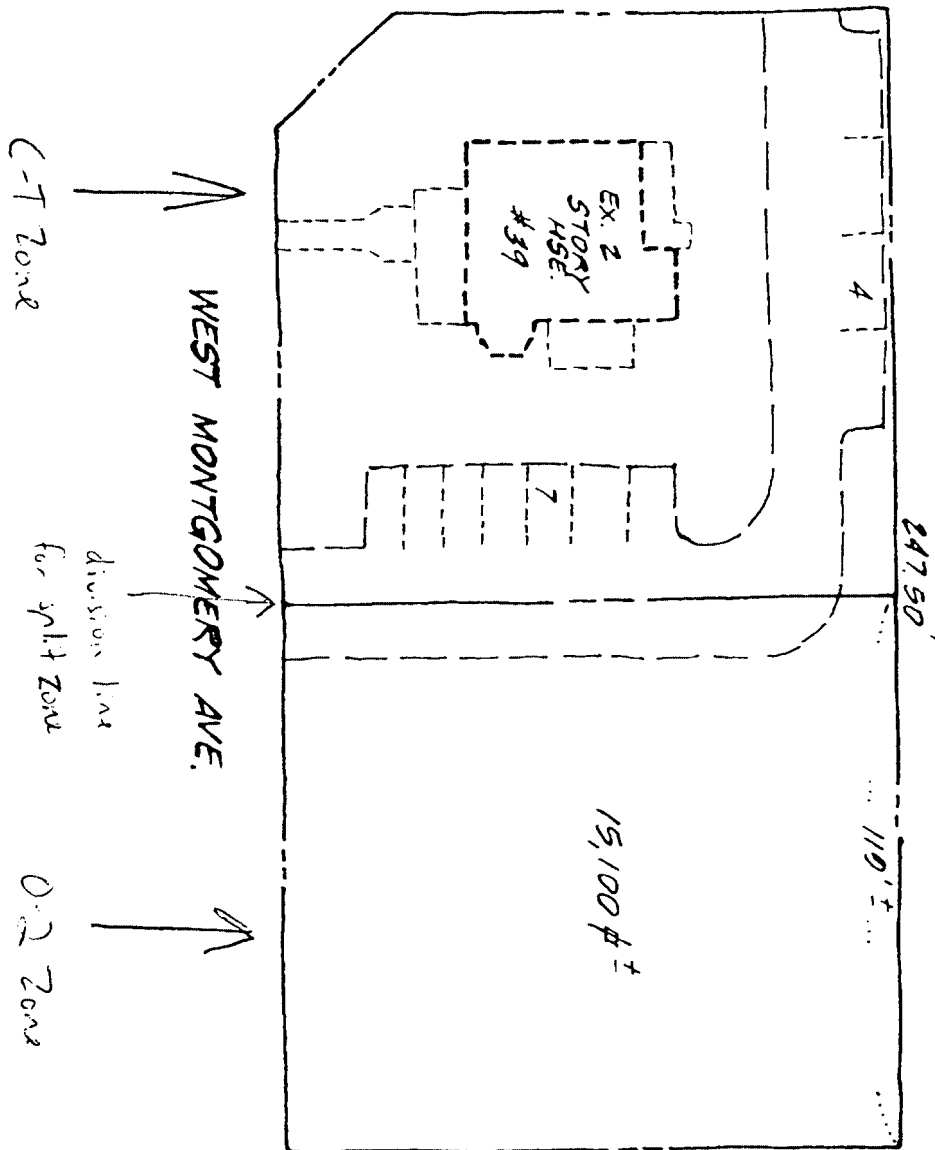


Patrick James Attridge

PJA/lcm
Original to Claire F. Funkhousen, Clerk, City of Rockville

CC: The Honorable Larry Giammo, with attachments
Councilmember Robert E. Dorsey, with attachments
Councilmember John F. Hall, Jr., with attachments
Councilmember Susan R. Hoffmann, with attachments
Councilmember Anne M. Robbins, with attachments
R. James Wasilak, AICP, with attachments

N. ADAMS ST.



SCALE: 1"=40'



City of Rockville

MEMORANDUM

November 22, 2004

TO: Mayor and Council

FROM: Planning Commission - Members Present: Commissioners Britton, Hilton, Johnson, Mullican, Ostell and Wiener

SUBJECT: Map Amendment Application MAP2004-00091, Text Amendment TXT2004-00215, Mayor and Council of Rockville

The Planning Commission considered this application at its November 3, 2004 meeting. The application is a Sectional Map Amendment that will either modify or confirm the zoning on property in the Town Center Planning Area. Certain properties will be rezoned per recommendations in the Town Center Master Plan and subsequent discussions at Mayor and Council worksessions. The accompanying text amendment establishes the new zones, and makes various modifications to requirements in the Town Center Planning Area.

Two members of the public addressed the Commission regarding this matter. Rev. Wood of Jerusalem Methodist Episcopal Church supported the application, as its recommendation to rezone the church's properties to the O-2 Zone would be beneficial to the future of the church. The church's property consists of several parcels in three different zones. Rezoning the existing parcels to be in the same zone, which would make property assembly simpler. Although the O-2 Zone prohibits property assembly for the purposes of combining lots, the text amendment provides an exception for existing churches with combined property of less than 40,000 square feet.

Patrick Attridge, the owner of 39 West Montgomery Avenue that is proposed for rezoning from the O-2 to the C-T Zone, addressed the Commission. He spoke in favor of leaving the property in the O-2 Zone, or of placing the portion of the property containing the former residence in the C-T Zone, as had previously been recommended, but would prefer the remainder of the property that is buildable to remain in the O-2 Zone. This would potentially allow another office structure to be built on the site at a residential scale. Rezoning the property to C-T would not allow future subdivision. He represented that he is considering an ownership plat for the property, which

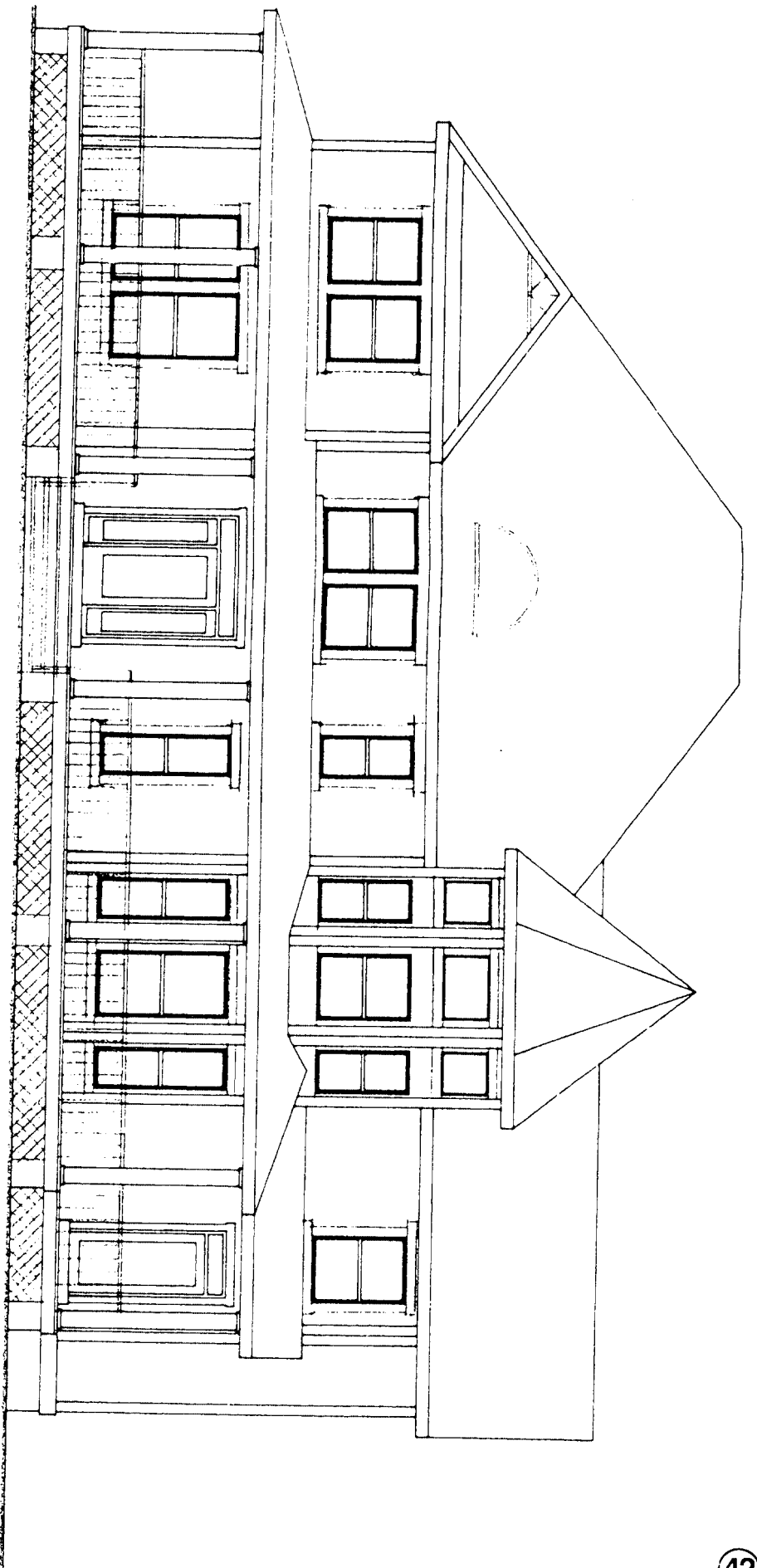
Mayor and Council
Page 2
November 22, 2004

would establish a line for ownership purposes, and potentially this could be the zone boundary as well.

Commission members supported the staff recommendation on both the Map and Text Amendments, and included the recommendation that the property at 39 West Montgomery Avenue be split-zoned between the O-2 and C-T Zone. The Commission then voted unanimously to recommend approval of the applications, along with the recommendation for split zoning on the 39 West Montgomery Avenue property.

/rjw

cc: Planning Commission



FRONT ELEVATION

1/8" = 1'-0"

MHP Town Center Inc.
11160 Veirs Mill Road
Westfield South, Suite 503
Wheaton, Maryland 20902-2538

May 25, 2005

Mayor and Council of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Split Zoning of Lot at 254 North Washington Street
Beall's Grant Apartments
Lot 4, Block A, "City Center"
Map Amendment MAP 2004-00091
Public Hearing Date: May 16, 2005

Dear Mayor Giammo and Council Members,

This letter is submitted to request on behalf of MHP Town Center, Inc., to request that the portion of the above-referenced property which is classified in the R-20 Zone be reclassified to the TC-1 Zone (to be the "TC-1" zone pursuant to the Text Amendment Application TXT 2004-00215) as part of your consideration of Map Amendment Application MAP2004-00091. MHP Town Center, Inc., is a subsidiary of Montgomery Housing Partnership, Inc., and was established to own and operate Beall's Grant Apartments. It has owned and operated Beall's Grant Apartments since 1993 when it purchased it from the Resolution Trust Company and redeveloped the property with assistance from the City into affordable housing to serve the Rockville community. Indeed, by Resolution No. 01-93, adopted by the Mayor and Council at its meeting of January 11, 1993, the City endorsed the proposal of MHP Town Center, Inc., for development of mixed income housing on the property with financing from the Department of Housing and Community Development of the State of Maryland.

The single lot that defines the Beall's Grant property is divided into two zoning categories. The eastern two-thirds of the lot is zoned TCO-1 and falls inside the Town Center Performance District. The western one-third of the lot is zoned R-20 and falls outside the Town Center Performance District. This R-20 zoning on the Beall's Grant site is a long, narrow rectangle that descends from the large block of R-20 zoning that contains the Heritage Apartments adjacent to the northwest corner of the Beall's Grant property. On the Beall's Grant lot, most of the western side of this narrow rectangle of R-20 zoning abuts property zoned O-2 on North Adams Street, as can be seen on the attached zoning map.

Initially we met with James Wasilak, Chief of Long Range Planning, to discuss the issue. He stated that in general the City of Rockville views split zoning of a single lot to be undesirable. Upon initial review of the situation, he could see no reason for the split zoning and encouraged us to present a request to the Mayor and City Council to consider a single zoning classification for the property as part of the Sectional Map Amendment process.

After an additional meeting in December 2004 with Robert Spalding, James Wasilak and Edward Duffy, of the Community Planning Department, we request that the entire lot be placed within the Town Center Performance District and be zoned TC-1. This would provide uniformity to the Town Center plan and provide a continuous swath of TC-1 zoning along North Washington Street from Beall Avenue north to Martin's Lane. And, the TC-1 zoning would provide for more comprehensive development of the site. Attached are an aerial photograph of the area, a plat of property bounds and a zoning map that shows the split zoning of the site. Please let us know if we can supply any additional information on this issue.

In addition, we would like to point out that development of affordable housing involves some unique development characteristics. One of those characteristics is the fact that affordable housing does not require the same magnitude of off-street parking spaces as are found with other housing, particularly multi-family dwellings. Also, off-street parking requires substantial land area and/or expensive structured parking. As a result, at the appropriate time, we encourage the city to consider a text amendment to the City's parking standards to address this unique situation. Similarly, utilization of the optional method of development could enhance the opportunity for the provision of affordable housing. We understand that the City may review its Code provisions for the optional method of development in the near future and a text amendment to address this matter should be considered.

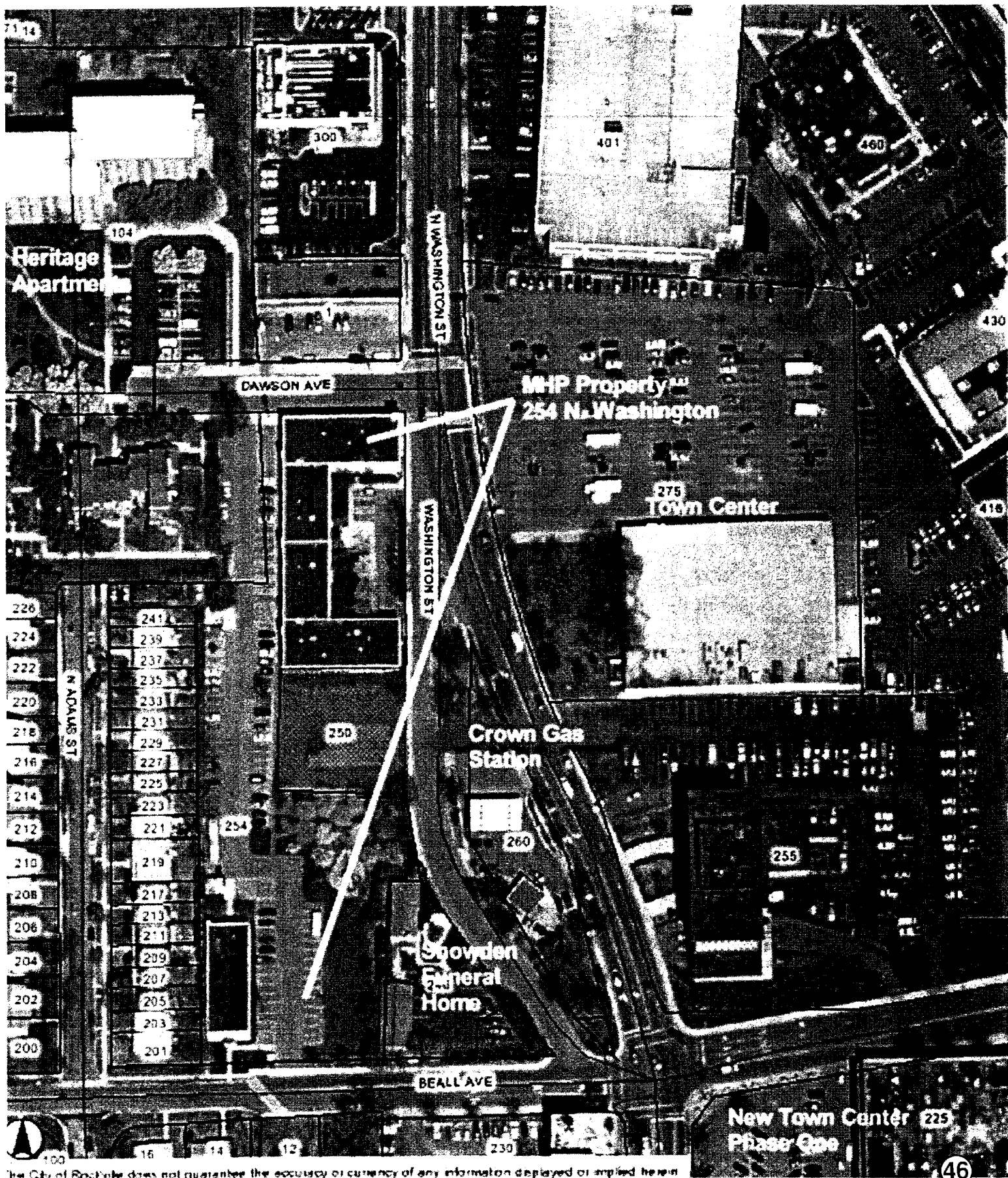
We look forward to working closely with the City of Rockville to develop and maintain quality affordable housing for the overall community.

Sincerely,



Robert Goldman
Vice President

cc. James Wasilak



The City of Rockville does not guarantee the accuracy or currency of any information displayed or implied herein

TCO-2

HUNGERFORD DR

N 1ST ST

WASHINGTON ST

DAWSON AVE

MHP Property
254 N. Washington

Split
Zone

Town Center
Phase II

S-86

BEALL AVE

BEALL AVE

Town Center Phase I

B-70

WOOD LA

E MIDDLE LA

W MIDDLE LA

MARY

Ordinance No. _____ ORDINANCE: To grant Sectional Map Amendment
MAP2004-00091, Mayor and
Council of Rockville, Applicant

WHEREAS, by Ordinance No. 29-01, the Mayor and Council of Rockville
adopted the Town Center Master Plan as an amendment to the 1993 adopted Master Plan
for the City of Rockville; and

WHEREAS, on November 12, 2002, the Mayor and Council adopted the
Comprehensive Master Plan for the City of Rockville which incorporated therein the
Town Center Master Plan; and

WHEREAS, on August 4, 2003, the Mayor and Council adopted Map
Amendment Application MAP2003-00087 which comprehensively rezoned the City; and

WHEREAS, said comprehensive map amendment implemented some but not all
of the recommendations of the Town Center Master Plan; and

WHEREAS, the Mayor and Council desire to implement additional
recommendations of the Town Center Master Plan; and

WHEREAS, said Town Center Master Plan is designed to serve as a guide to
accomplish coordinated, adjusted and harmonious development of the Rockville Town
Center and its environs; and

WHEREAS, contemporaneously with the adoption of this ordinance, the Mayor
and Council has adopted Text Amendment Application TXT2004-00215, which amends
the zoning ordinance to implement additional recommendations in the Town Center
Master Plan; and

WHEREAS, the Mayor and Council of Rockville filed Sectional Map Amendment Application MAP2004-00091, requesting that an area consisting of 460 acres of land, more or less, described as the Rockville Town Center, said area being generally described as that area within the corporate limits of Rockville bounded by Edmonston Drive on the southeast; Wootton Parkway, Mount Vernon Place and the Courthouse Walk community on the south; Van Buren Street and Adams Street on the west; commercial uses near Frederick Avenue on the north; and properties fronting on North and South Stonestreet Avenue on the east, be comprehensively rezoned in accordance with the map attached hereto; and

WHEREAS, Sectional Map Amendment Application No. MAP2004-00091 has as its purpose the further implementation of the purposes, goals, vision objectives and policies of the Town Center Master Plan and Text Amendment Application TXT2004-00215; and

WHEREAS, the Mayor and Council of Rockville gave notice that a public hearing on said application would be held by the Mayor and Council of Rockville in the Council Chambers of Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland 20850, on January 10, 2005, at 7:00 p.m., or as soon thereafter as it may be heard, at which parties in interest and citizens would have an opportunity to be heard, said notice having been given in accordance with the requirements of Article 66B of the Annotated Code of Maryland and the Zoning and Planning Ordinance of Rockville; and

WHEREAS, the Mayor and Council held a hearing on said application at the time and place so advertised, and has considered the testimony presented at the public hearing as well as the entire record of the proceedings; and

WHEREAS, the Mayor and Council having found and determined that the sectional map amendment would promote the health, public safety and general welfare of the City, its citizens and visitors; and

WHEREAS, the Mayor and Council having found and determined that the adoption of the sectional map amendment is substantially in accordance with the Town Center Master Plan dated October 17, 2001, and will serve to effectuate the goal, objective and policies of said Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

1. That Sectional Map Amendment Application MAP2004-00091 for the rezoning of the Rockville Town Center Planning Area is hereby granted as set forth on the map attached hereto; and
2. That the Zoning Map of the City of Rockville, Maryland, dated January 1, 1975, as amended by Comprehensive Map Amendment as of August 4, 2003, be, and the same is hereby, amended in accordance with the map attached hereto.
3. That the location and boundaries of zones established in the Rockville Town Center shall be as shown on the zoning map attached hereto entitled "Rockville Town Center Zoning Map" dated September 26, 2005, which amends the Zoning Map entitled "Zoning Map of the City of Rockville, Maryland," dated January 1, 1975, as amended by Comprehensive Map Amendment of August 4, 2003.

* * * * *

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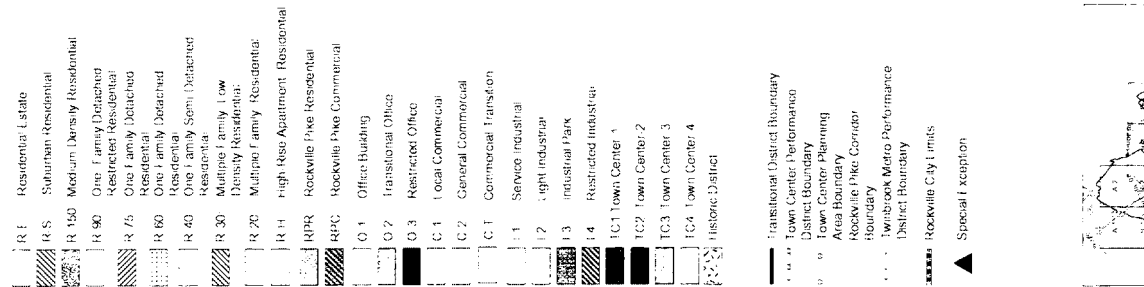
Ordinance No. _____

-4-

I hereby certify that the foregoing is a true and correct copy
of an ordinance adopted by the Mayor and Council at its
meeting of

Claire F. Funkhouser, CMC, City Clerk

51



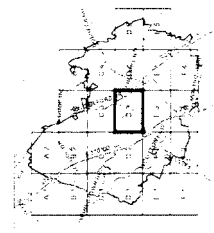
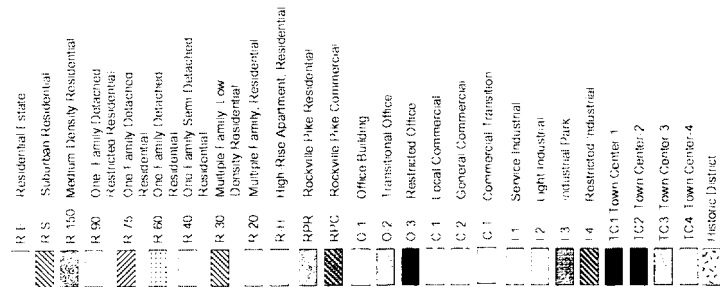
ZONING MAP OF THE CITY OF ROCKVILLE, MARYLAND, DATED JANUARY 1, 1975,
AS AMENDED BY COMPREHENSIVE MAP AMENDMENT AS OF AUGUST 4, 2003.
REFLECTS SECTIONAL MAP AMENDMENT ADOPTED SEPTEMBER 26, 2005

SCALE: 1" = 200'

3-



52



ZONING MAP OF THE CITY OF ROCKVILLE, MARYLAND, DATED JANUARY 1, 1975,
AS AMENDED BY COMPREHENSIVE MAP AMENDMENT AS OF AUGUST 4, 2003
REFLECTS SECTIONAL MAP AMENDMENT ADOPTED SEPTEMBER 26, 2005.

CITY OF ROCKVILLE
DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT SERVICES



SCALE: 1" = 200'